

**CITY OF ROCHESTER  
COUNCIL AGENDA  
COUNCIL/BOARD CHAMBERS  
GOVERNMENT CENTER  
151 4<sup>TH</sup> STREET SE**

**MEETING NO. 8  
REGULAR**

**APRIL 7, 2003  
7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

PAGE

- |       |   |                         |
|-------|---|-------------------------|
| 1-2   | <b>A) OPEN COMMENT PERIOD</b>   | <b>-- NONE --</b>       |
|       | <b>B) CALL TO ORDER</b>   |                         |
|       | <b>C) LETTERS AND PETITIONS</b>   |                         |
| 3-4   | 1) Brad Trahan Requests to be Heard   | <b>-- CONSIDERED --</b> |
| 5-6   | 2) Request for Variation from Developer's Agreement on Payment of Assessments   | <b>-- CONSIDERED --</b> |
| 7-10  | 3) Petition for Sanitary Sewer Extension for Silver Creek Area in Southeast Rochester   | <b>-- CONSIDERED --</b> |
| 11-12 | <b>D) CONSENT AGENDA/ORGANIZATIONAL BUSINESS</b>  |                         |
|       | 1) Approval of Minutes  | <b>-- NONE --</b>       |
| 13-14 | 2) Appointment to the Fire Civil Service Commission   | <b>-- APPROVED --</b>   |
| 15-18 | 3) Appointment to the Library Board   | <b>-- APPROVED --</b>   |
| 19-20 | 4) Appointment to the Rochester Convention and Visitors Bureau Board of Directors   | <b>-- APPROVED --</b>   |
| 21-28 | 5) Storm Water Utility Communication Services   | <b>-- APPROVED --</b>   |
| 29-30 | 6) Authorization to Bid First Street Ramp   | <b>-- APPROVED --</b>   |
| 31-32 | 7) Revocable Permit -- Placement of fence on dedicated walkway between Lots 10 & 11, Block 2 Graham Addition                    | <b>-- APPROVED --</b>   |
| 33-34 | 8) Enter into a professional services agreement with McGhie & Betts/HGA and advertise for bids for a boiler replacement project | <b>-- APPROVED --</b>   |
| 35-36 | 9) Transfer of Off Sale Intoxicating Liquor License for Silver Lake Liquor  | <b>-- APPROVED --</b>   |
| 37-38 | 10) Resolution in Support of the Nation's Armed Forces in Iraq  | <b>-- APPROVED --</b>   |

- |       |     |   |
|-------|-----|---|
| 39-42 | 11) | Licenses, Bonds and Miscellaneous Activities<br>-- <b>APPROVED</b> --   |
| 43-44 | 12) | Approval of Accounts Payable -- <b>APPROVED</b> --  |
| 45-48 | 13) | Additional Software License Agreement with New World Systems to Participate as a Beta Site for their new MSP Fire Software<br>-- <b>APPROVED</b> --                         |
| 49-50 | 14) | 2002 State and Federal Domestic Preparedness Equipment and Training Grant Program -- <b>APPROVED</b> --   |
| 51-52 | 15) | Owner Contract – Public Improvements Badger Ridge Fourth Subdivision (J5038) -- <b>APPROVED</b> --  |
| 53-54 | 16) | Development Agreement for Hawk Ridge Development LLC<br>-- <b>APPROVED</b> --   |
| 55-56 | 17) | Owner Contract – Basic Construction in Wedgewood Hills Sixth (J5058) -- <b>APPROVED</b> --  |
| 57-58 | 18) | Real Estate – Partial Release of Development Agreement – Lot 11, Block 1, South Pointe Eighth -- <b>APPROVED</b> --   |
| 59-60 | 19) | Owner Contract – Basic Construction in Boulder Ridge Third (J5036)<br>-- <b>APPROVED</b> --   |
| 61-62 | 20) | Owner Contract – Basic Construction in Century Hills Seventh Subdivision (J5064) -- <b>APPROVED</b> --  |
| 63-64 | 21) | Pedestrian Facilities Agreement – Richard H. Sullivan & Anna Sullivan for Lot 3, Block 5, Hillmer’s Highview Acres NO. Two, Olmsted County, Minnesota -- <b>APPROVED</b> -- |
| 65-66 | 22) | Owner Contract – Public Improvements Pine Ridge Estates Fifth Subdivision (J5045) -- <b>APPROVED</b> --   |
| 67-68 | 23) | Change Orders/Civic Center Ramp Restoration Project (City Project #8215-39-02) -- <b>APPROVED</b> --  |
| 69-70 | 24) | Harvestview Development Agreement Supplement #1<br>-- <b>APPROVED</b> --  |
| 71-76 | 25) | Consideration of Public Utility Board Action<br>-- <b>APPROVED</b> --   |
| A     | 26) | Conversion of Passenger Loading Zone to Passenger and Commodity Loading Zone -- <b>APPROVED</b> --  |
| B     | 27) | Real Estate – Settlement for Right of Way Acquisition for Bandel Road J9815 -- <b>APPROVED</b> --   |
| C     | 28) | Advertise for Bids – Sanitary Sewer to Serve 6 Lots in Oslo Court NE, J7707 -- <b>APPROVED</b> --   |

**E) HEARINGS**

- |       |    |   |
|-------|----|---|
| 77-98 | 1) | Amendment to General Development Plan #190 known as Harvestview -- <b>APPROVED</b> -- |
|-------|----|---|

- 99-128      2)      Harvestview Special District #02-07 located along the north side of 55th Street N.W. and along the west side of 50th Avenue N.W.  
-- **APPROVED** --
- 129-164      3)      General Development Plan #205 by Arcon Development, Inc. to be known as Hart Farms South      -- **APPROVED** --
- 165-178      4)      Zoning District Amendment #03-08 by Arcon Development, Inc. to zone land to R-2 and B-5 upon annexation to the City.  
-- **APPROVED** --
- 179-186      5)      Annexation Petition #03-07 by Merl Groteboer to annex land located along the north side of 40th Street S.W. and along the west side of 18th Avenue S.W.      -- **APPROVED** --
- 187-208      6)      Amendment to General Development Plan #160 known as Stonehedge Estates      -- **APPROVED** --
- 209-228      7)      Land Subdivision Permit #03-07 to be known as Stonehedge Estates Second Subdivision by Stonehedge Land Development LLC  
-- **APPROVED, BUT THE DESIGN MODIFICATION WAS DENIED** --
- 229-238      8)      Land Use Amendment Petition #03-03 to amend land from “medium density residential” to “commercial” on land located along the east side of the East Frontage Road of Highway 52, north of 26th Street N.W. and south of Park Place Motors.      -- **APPROVED** --
- 239-246      9)      Zoning District Amendment to zone to B-4 on land located along the east side of the East Frontage Road of Highway 52, north of 26th Street N.W. and south of Park Place Motors.  
-- **APPROVED** --
- 247-258      10)      General Development Plan #204 by Jerry Rishavy  
-- **APPROVED** --
- 259-274      11)      Zoning District Amendment #03-06 by Dallas Backhaus to rezone from the interim zoning district to the R-1X on property located east of Marion Road and south of the intersection of 20th Street and 37th Avenue S.E.      -- **APPROVED** --
- 275-300      12)      General Development Plan #203 by Dallas Backhaus to be known as Wildwood Meadow      -- **APPROVED** --
- 301-310      13)      Final Plat #02-62 by Leslie Lurken, to be known as Wedgewood Hills Sixth      -- **APPROVED** --
- 311-320      14)      Annexation Petition #03-06 by Charlyne Burks to annex land located north of East Circle Drive and east of Northwood Hills 2nd Subdivision.      -- **APPROVED** --
- 321-328      15)      Annexation Petition #03-08 by GP Development LLC to annex land located along the west side of 18th Avenue S.W., north of the Hart Farms Subdivision.      -- **APPROVED** --

- 329-340      16)      Annexation Petition #03-10 by First Baptist Church to annex land located along the north side of Salem Road S.W., west of Salem Road Covenant Church and west of the proposed Bamber Valley Estates development.      **-- APPROVED --**

**F)      REPORTS AND RECOMMENDATIONS**

**G)      RESOLUTIONS AND ORDINANCES**

341-342

**H)      TABLED ITEMS**

**I)      OTHER BUSINESS**

**J)      ADJOURNMENT**

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

<b>AGENDA SECTION:</b> OPEN COMMENT PERIOD	<b>ORIGINATING DEPT:</b> CITY ADMINISTRATOR	<b>ITEM NO.</b> A
<b>ITEM DESCRIPTION:</b> OPEN COMMENT PERIOD		<b>PREPARED BY:</b> S. KVENVOLD
<p>This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:</p> <ul style="list-style-type: none"><li>• This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.</li><li>• This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.</li><li>• Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.</li><li>• Citizens may only use this forum to address the Council on a maximum of one time per month.</li><li>• Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.</li><li>• Questions posed by a speaker will generally be responded to in writing.</li></ul>		
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____		



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

3

**AGENDA SECTION:**

Letters and Petitions

**ORIGINATING DEPT:**

ADMINISTRATION

**ITEM NO.**

C-1

**ITEM DESCRIPTION:** Brad Trahan Requests to be Heard**PREPARED BY:**  
S. KVENVOLD

Brad Trahan, who represents a group called "Save Our Police, Firefighters and Civilians", requests an opportunity to address the Mayor and City Council.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

2

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

5

**AGENDA SECTION:**

Letters &amp; Petitions

**ORIGINATING DEPT:**

City Clerk

**ITEM NO.**

C-2

**ITEM DESCRIPTION:** Request for Variation from Developer's Agreement on Payment of Assessments**PREPARED BY:**

Judy Scherr

A letter dated February 26, 2003, and received by the Public Works Department on March 28, 2003, from Exemplar, Inc. requests a variation from the policy of payment of special assessments for lands in Southeast Rochester.

**COUNCIL ACTION REQUESTED**

A motion to adopt the prepared resolution referring the Request for Special Assessment Variation to the Public Works Department for a recommendation to the Council.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

4  
**EXEMPLAR, INC.**

7420 UNITY AVE. N., SUITE 310-E  
BROOKLYN PARK, MN 55443

763-566-1101  
FAX 763-566-1101

February 26, 2003

Rochester Common Council  
201 4th St. S.E.  
Rochester MN 55904-3742

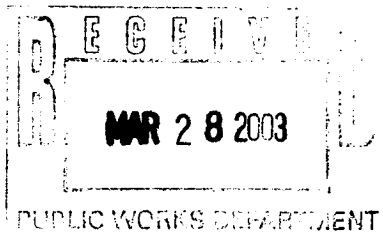
Members of the Rochester Common Council:

I represent the owner of the parcel of land being platted as Stonebridge in Southeast Rochester. I hereby request that the Developer's Agreement policy be amended to allow for City constructed projects to be specially assessed against the individually platted lots. It is understood that the assessments, plus interest, for each lot would be paid at the time of closing and conveyance of said lot. In any event, the assessments plus interest would be due and payable not later than five years after being assessed. Thank you for your consideration.

Sincerely,

*Theodore W. Holsten*

T. W. Holsten, Trustee  
Exemplar, Inc. Money Purchase Pension Plan



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

**AGENDA SECTION:**

Letters and Petitions

**ORIGINATING DEPT:**

City Clerk

**ITEM NO.**

C-3

**ITEM DESCRIPTION:** Petition for Sanitary Sewer Extension for Silver Creek Area in Southeast Rochester**PREPARED BY:**

Judy Scherr

A petition was received from Steve Jech and Gary Hayden, property owners in Southeast Rochester, requesting the City to conduct a feasibility study to determine if the sanitary sewer trunkline can be extended to the Silver Creek area.

**COUNCIL ACTION REQUESTED**

A motion to adopt the prepared resolution referring the petition to the Public Works Department for a feasibility study.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

8

March 13, 2003

Department of Public Works  
201 4<sup>th</sup> Street SE  
Rochester MN 55904

RE: Request for Feasibility Study  
Silver Creek Sanitary Sewer Extension  
Rochester, Minnesota

Dear Mr. Loehr:

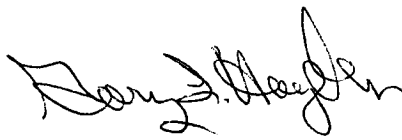
We are the property owners along County Road 9 in southeast Rochester Minnesota that could gain access to sanitary sewer with the extension of the Silvercreek trunkline. We understand at this time plans are to terminate the trunkline west of our property. Please accept this letter as a petition to include our property in a feasibility study for the extension project.

Enclosed is a plan showing the properties and ownership. As you are aware, current development plans for the Stonebrooke development include a lift station to serve areas below the current sewer level. We are anticipating extension of the Silvercreek trunkline would eliminate the need for this lift station provides gravity service.

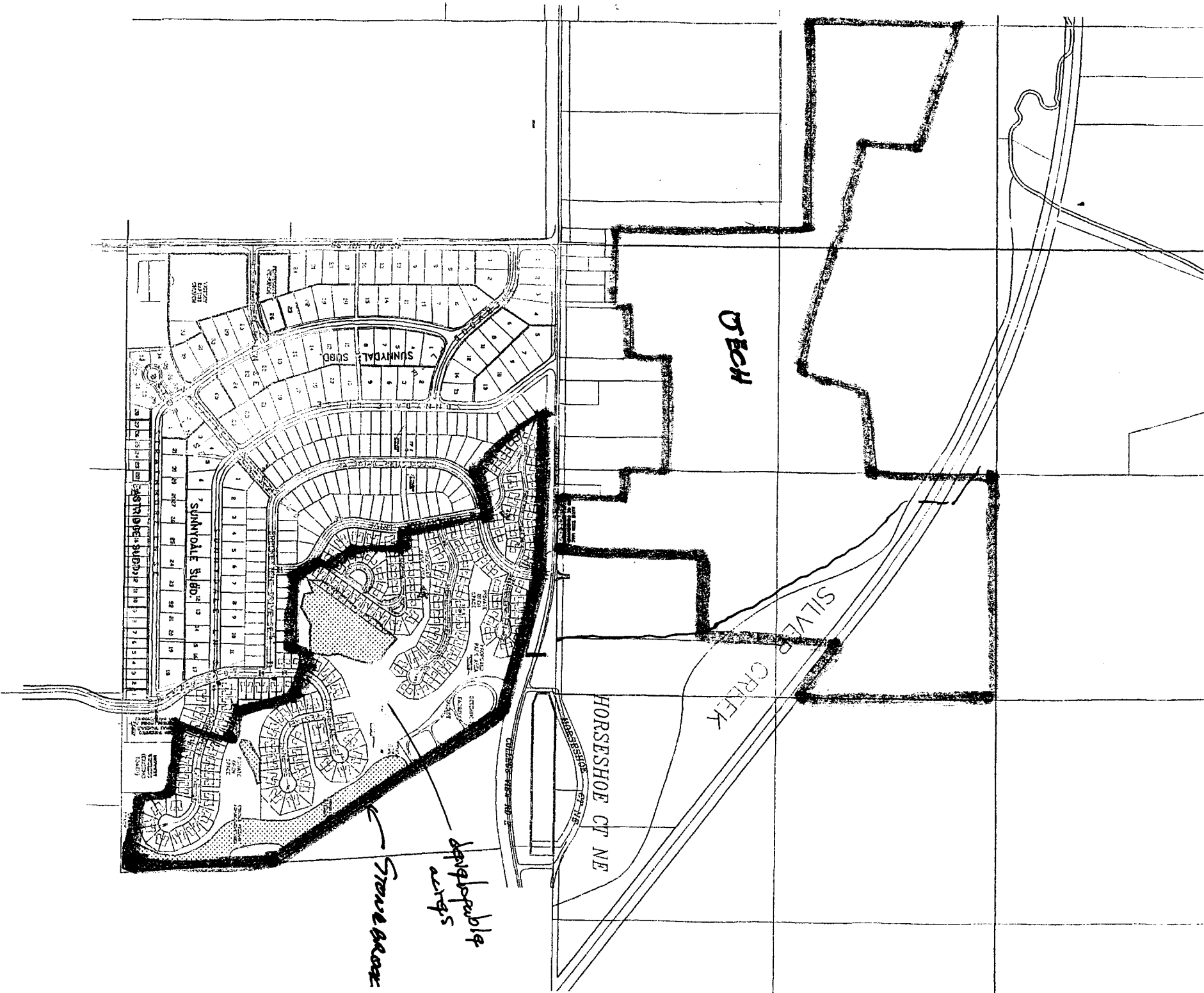
If you have any questions, please contact us.

Sincerely,

  
Steve Jech

  
Gary Hayden

attachment





## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

**AGENDA SECTION:**  
CONSENT AGENDA**ORIGINATING DEPT:**  
CITY ADMINISTRATOR**ITEM NO.**  
D-1-25**ITEM DESCRIPTION:** APPROVAL OF CONSENT AGENDA ITEMS**PREPARED BY:**  
G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to discuss whether there are any of these items which you wish to have removed from the consent agenda approval and to have discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 1) Approval of Minutes
- 2) Appointment to the Fire Civil Service Commission
- 3) Appointment to the Library Board
- 4) Appointment to the Rochester Convention and Visitors Bureau Board of Directors
- 5) Storm Water Utility Communication Services
- 6) Authorization to Bid First Street Ramp
- 7) Revocable Permit -- Placement of fence on dedicated walkway between Lots 10 & 11, Block 2 Graham Addition
- 8) Enter into a professional services agreement with McGhie & Betts/HGA and advertise for bids for a boiler replacement project
- 9) Transfer of Off Sale Intoxicating Liquor License for Silver Lake Liquor
- 10) Resolution in Support of the Nation's Armed Forces in Iraq
- 11) Licenses, Bonds and Miscellaneous Activities
- 12) Approval of Accounts Payable
- 13) Additional Software License Agreement with New World Systems to Participate as a Beta Site for their new MSP Fire Software
- 14) 2002 State and Federal Domestic Preparedness Equipment and Training Grant Program
- 15) Owner Contract -- Public Improvements Badger Ridge Fourth Subdivision (J5038)
- 16) Development Agreement for Hawk Ridge Development LLC
- 17) Owner Contract -- Basic Construction in Wedgewood Hills Sixth (J5058)
- 18) Real Estate -- Partial Release of Development Agreement -- Lot 11, Block 1, South Pointe Eighth
- 19) Owner Contract -- Basic Construction in Boulder Ridge Third (J5036)
- 20) Owner Contract -- Basic Construction in Century Hills Seventh Subdivision (J5064)

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

12

Request for Council Action

Page 2

April 7, 2003

- 21) Pedestrian Facilities Agreement – Richard H. Sullivan & Anna Sullivan for Lot 3, Block 5, Hillmer's Highview Acres NO. Two, Olmsted County, Minnesota
- 22) Owner Contract – Public Improvements Pine Ridge Estates Fifth Subdivision (J5045)
- 23) Change Orders/Civic Center Ramp Restoration Project (City Project #8215-39-02)
- 24) Harvestview Development Agreement Supplement #1
- 25) Consideration of Public Utility Board Action

**COUNCIL ACTION REQUESTED:**

Motion to approve/consent agenda items

MEETING  
DATE: 4/7/03

13.

<b>AGENDA SECTION:</b> Organizational Business	<b>ORIGINATING DEPT:</b> Mayor's Office	<b>ITEM NO.</b> D-2
<b>ITEM DESCRIPTION:</b> Appointment to the Fire Civil Service Commission		<b>PREPARED BY:</b> Mayor Brede
<p>I hereby submit for your approval the following appointment to the Fire Civil Service Commission:</p> <p>Joe Powers 1203 SW 2<sup>nd</sup> St</p> <p>Joe Powers will fill the expired term of Hilla Cline. The term runs to April, 2006.</p>		



## REQUEST FOR COUNCIL ACTION

15  
MEETING

DATE: 4/7/03

**AGENDA SECTION:**

Organizational Business

**ORIGINATING DEPT:**

Mayor's Office

**ITEM NO.**

D-3

**ITEM DESCRIPTION:** Appointment to the Library Board**PREPARED BY:**

Mayor Brede

I hereby submit for your approval the following appointment to the Library Board:

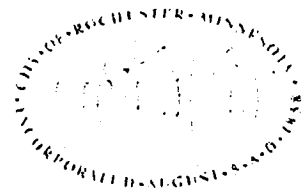
Tonya Holt

4367 Savannah Dr NW

Ms. Holt will fill the expired term of Jeanne Parker. The term runs to January, 2006.



Mayor Ardell F. Brede  
201 4th Street SE - Room 281  
Rochester, MN 55904-3782  
Phone: (507) 285-8080 Fax: (507) 287-7979



## CITY OF ROCHESTER VOLUNTEER APPLICATION

14  
Name: Tonya Lee Holt  
Address: 4367 Savannah Dr. NW Rochester 55901  
Phone: Bus. 507-253-3318 Home 507-282-1152  
Do you reside within Rochester City Limits? Yes X No         
Place of Employment: IBM

I am seeking voluntary service on Library Board Member

Because: I believe I can help the library expand their  
level of community based involvement. I believe my  
involvement can guide the library in a strategic  
direction that involves a commitment to a diverse  
community.

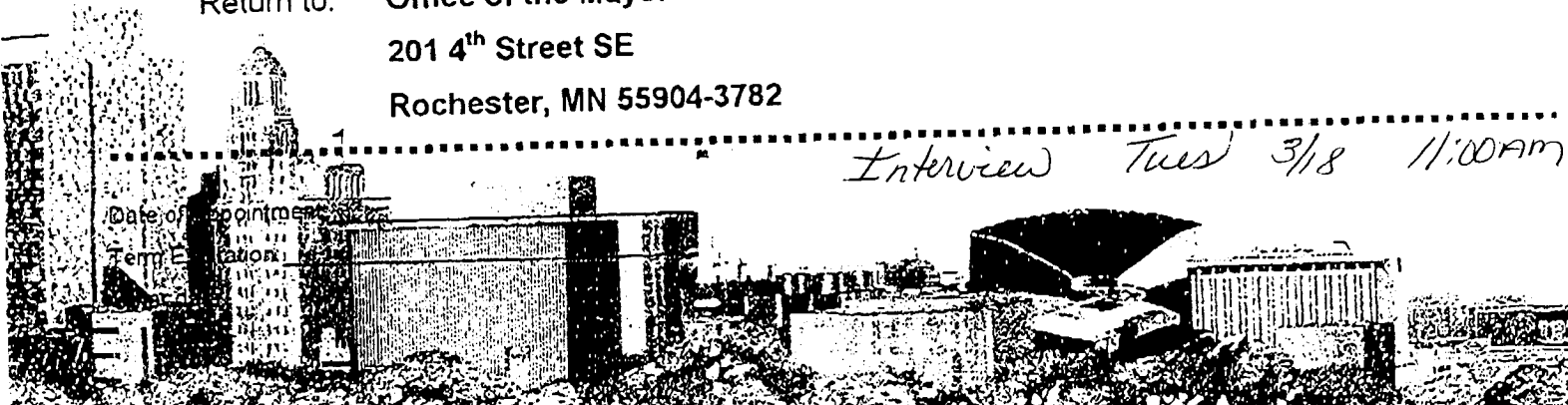
Please provide background information (Education, Special Interests, Achievements,  
Previous Employment, Community Involvement) Attach additional information, if desired.

See attached information

Date Submitted: 1-22-03 Signed: Tonya L. Holt

Return to: **Office of the Mayor**  
**201 4<sup>th</sup> Street SE**  
**Rochester, MN 55904-3782**

Interview Tues 3/18 11:00AM



17.

# Tonya Lee Holt

4367 Savannah Dr NW, Rochester, MN 55901

(507)282-1152

[tlh@aol.com](mailto:tlh@aol.com)

## Education

Hampton University - Hampton, Virginia  
Bachelor of Science Degree- December 1994  
English and Early Childhood Education

Graduate courses taken at Virginia State University,  
University of Virginia, Winona State University,  
University of Minnesota

## Professional Experience

### IBM, Rochester, MN

Technical Writer

September 2000 - Present

- Created help content to be used in online user help for graphical user interface (GUI) product.
- Designed, wrote, and maintained online documentation for web-based product.
- Developed and managed project plans and schedules.

### Manpower, Rochester, MN

Technical Support Representative

August 1999 - September 2000

- Answered telephone and e-mail inquiries from national and international customers regarding the IBM disk drive.
- Demonstrated an ability to give verbal and written technical directions to both technical and non-technical customers.
- Analyzed and resolved technical problems with IBM disk drives.

### Child Care Research and Referral, Rochester, MN

Head Start Teacher

August 1998 - August 1999

- Maintained a safe and nurturing environment.
- Provided developmentally appropriate practices.
- Developed and implemented thematic units.

### G. W. Carver Elementary School, Richmond, VA

Kindergarten Teacher

January 1995 - August 1998

- Integrated computer technology to support curriculum objectives.
- Accommodated different learning styles and ability levels in the classroom.
- Evaluated and modified classroom lessons to improve student learning.

## Community Service

Girl Scouts Council of River Trails Board Member (First Term)  
Co-Chair Martin Luther King Talent Show for the NAACP  
Co-Chair Black Family Technology Week  
Member of Black Network Group (BNET) at IBM  
Member of Scholarship Committee for BDPA  
Host parent for Rochester Better Chance

8/

## REQUEST FOR COUNCIL ACTION

19  
MEETING

DATE: 4/7/03

<b>AGENDA SECTION:</b> Organizational Business	<b>ORIGINATING DEPT:</b> Mayor's Office	<b>ITEM NO.</b> D-4
<b>ITEM DESCRIPTION:</b> Appointment to the Rochester Convention and Visitors Bureau Board of Directors		<b>PREPARED BY:</b> Mayor Brede

I hereby submit for your approval the following appointment to the Rochester Convention and Visitors Bureau Board of Directors:

Brad Trahan

2570 Colleen St NE

Mr. Trahan will fill the unexpired term of Ed Hruska. The term runs to December 2005.



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

21-

**AGENDA SECTION:**  
CONSENT AGENDA**ORIGINATING DEPT:**  
Administration**ITEM NO.**

D-5

**ITEM DESCRIPTION:** Storm Water Utility Communication Services**PREPARED BY:**  
S. KVENVOLD

The Public Works Department is recommending a contract with Richardson, Richter and Associates to assist the department in providing communication materials needed to introduce and explain to the community the proposed implementation of a Storm Water Utility. (See attached).

The proposed Storm Water Utility is being recommended in order to comply with the federal government mandated storm water requirements.

It is important that the proposed implementation of a Storm Water Utility be adequately communicated to the community in order that the citizens have some opportunity to be informed of the reason for proposing the creation of the utility and its financial implications prior to the Mayor and City Council taking final action on the proposal.

The cost of the recommended contract is not to exceed \$44,207. If approved, the necessary funding would be appropriated from existing revenues collected as Storm Water Management Plan charges.

### COUNCIL ACTION REQUESTED:

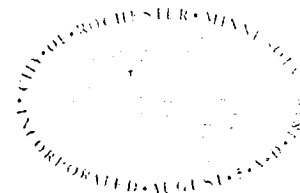
Request a motion authorizing the Mayor and City Clerk to execute a contract with Richardson, Richter and Associates and authorizing the appropriation of the necessary funding from 00404/2450.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



# ROCHESTER

— Minnesota —



TO: Stevan Kvenvold, City Administrator

FROM: Richard Freese, RPW Director *RF*  
Barb Huberty, Environmental and Regulatory Affairs Coordinator *BH*

DATE: 4/2/03

SUBJECT: Storm Water Utility Communications  
♦ **Protecting water quality is everybody's business.**

DEPARTMENT OF PUBLIC WORKS  
201 4th Street SE, Room 108  
Rochester, MN 55904-3740  
(507) 287-7800  
FAX (507) 281-6216

After the 2/24/03 Committee of the Whole meeting introducing the possible creation of a Storm Water Utility, staff members have been moving forward to develop components associated with further development and implementation. This additional work has focused in the areas of:

- ♦ Developing a customer database,
- ♦ Identifying customer charges,
- ♦ Preparing an ordinance, and
- ♦ Writing a fee credit manual.

Completion of these functions and their related tasks is very time consuming. Additionally, staff resources are stretched very thin as significant attention must also be given toward the completion of the storm water permit, development of Environmental Assessment Worksheets for sanitary sewer extensions and the RWRP expansion, along with other routine work tasks. As a result, virtually no staff time is available for the co-development of a vital communications plan and the associated communications materials needed to introduce, explain and implement a the Storm Water Utility. Furthermore, staff expertise to create effective informational materials is limited. Effective communications to all affected parties will be a **critical** element if the storm water utility is to proceed and succeed.

If communications must be handled internally, it is unlikely that a July 1 implementation date for the utility can be met, due to other priority deadlines. Hurdles associated with other aspects of the storm water utility are already making the July 1 date difficult to reach, even if external communications help is approved. Without consultant assistance, the schedule to implement the storm water utility will definitely be delayed at least three months, if not longer. It is very important to insure that timely progress toward adoption of a storm water utility proceeds so that full implementation of our mandated permit requirements may commence later this year. The cumulative effect of the permit, three years of unfunded storm water capital projects, and a property tax levy that is insufficient to support the City's basic services necessitates an alternative funding mechanism at this time.

We have researched options to obtain assistance in this area, focusing on finding a team that has expertise in:

- The successful adoption of fee programs by local units of government,
- Facilitation of controversial public meetings, and
- Preparation of clear and effective communications tools.

Additionally, we sought a team that has current knowledge of our local social, political, and environmental conditions and one that can quickly adapt to this issue and begin providing assistance immediately.

The firm of Richardson, Richter and Associates (RRA) was found to be unique in meeting all of the above criteria. Traditional PR firms did not have expertise in meeting facilitation, development of service fee programs, or comprehensive knowledge of local environmental and socio-political conditions. In evaluating RRA as a potential candidate, we found that they have local expertise as a consultant to Olmsted County on solid waste facility and hauler contract issues. RRA was also a key partner who helped the City conduct the Marion Alternative Urban Areawide Environmental Review. Additionally, they are experienced in establishing County-level solid waste fees and they regularly facilitate City-township annexation conflicts. Therefore, we asked only RRA to provide a communications proposal, detailing their recommended scope of work and budget. In their scope, they are proposing to help the City develop a strategic communications plan that identifies:

- Communications goals,
- Key messages,
- Stakeholders and target markets,
- Public involvement strategies, and
- Communications strategies.

Their team will also write, design, and oversee distribution of the communication tools, including: a residential customer bill stuffer, a non-residential customer self-mailer, a Post Bulletin advertisement or insert, fact sheets, a letter and sample bill for non-residential customers, press releases, and web page updates. Additionally, the team would help facilitate two public meetings and assist with the preparation for the public hearings on the ordinance. If selected and approved for this project, this team will implement these activities between now and late summer, 2003.

The proposed "total cost not to exceed" for these services is \$44,207. Additional costs will be incurred for printing and postage. Funding for the consulting contract and for the associated postage and printing will come from monies already accrued from existing revenue collected as Storm Water Management Plan charges.

Even though you are faced with severe budget cuts, we hope you can view this as a small investment that, if successful, will lead to the creation of a new and vital funding source for the City. Taking the time and doing the necessary public relations work upfront is *key* to generating understanding and ultimate acceptance by the ratepayers.

Thank you for your consideration of this proposal.

24

## Proposal

### City of Rochester Storm Water Utility Fee Strategic Communication Activities

Revised April 1, 2003

RRA will assist the City of Rochester with the communication activities needed to successfully implement a storm water utility fee (SWUF). Linda Gondringer, Senior Associate, will serve as project manager and will lead the development of the communications materials. Ms. Gondringer will be assisted by Trudy Richter, President, who will provide strategic council in the early planning phases of the project.

The activities below assume a timeline of late March through the end of August 2003.

1. RRA will finalize a Strategic Communications Plan that will communicate the City's proposed plan for the SWUF and provide public involvement opportunities for the stakeholders. As part of the Strategic Communications Plan, RRA will help the City finalize:
  - ◆ Communication plan goals
  - ◆ Key messages
  - ◆ Stakeholders/target market
  - ◆ Public involvement strategies (two-way dialogue/public input)
  - ◆ Communications strategies (information sharing)
  - ◆ Timeline for implementation

While RRA recognizes the need to remain flexible, for purposes of the cost proposal, RRA recommends the following:

**Communications Plan Goals:** The goals of the communication plan are:

- ◆ To provide information to stakeholders on the SWUF and its benefits,
- ◆ To provide a coordinated approach to receiving stakeholder comments,
- ◆ To facilitate community acceptance of the SWUF in preparation for adoption of the SWUF by the City Council.

**Key Messages:** RRA will help the City identify key messages. RRA recommends that the focus of the message be first on the environmental benefits of the SWUF and the need for the storm management program. Once the benefits message is communicated, the communications can focus on the SWUF, rationale for the funding recommendation, and the related equity issues.

**Stakeholders/Target Market.** Two primary stakeholder groups have been identified to date 1) residential, and 2) non-residential. Even though the number of residential parcels far outnumbers the number of non-residential parcels, the opposition to the SWUF is

25

likely to be strongest with the non-residential stakeholders. For this reason, RRA recommends that the majority of the public involvement and communications efforts be focused on the non-residential sector.

**Public Involvement Strategies:** Key to the successful implementation of any controversial project is a legitimate process for stakeholders to provide comment on the proposed plan. Opportunities for all affected stakeholders should to comment should be provided. Again, with the focus on the non-residential sector being of utmost importance. Public hearing(s) regarding the ordinance will provide additional opportunities for stakeholder comment.

**Communications Strategies:** A variety of communication strategies will need to be used to communicate to the stakeholder groups. RRA recommends the use of a variety of print media, media relations, web page updates, presentations to Chamber groups and businesses, and meetings with the most affected businesses.

A detailed timeline for the communications elements will be developed as part of the strategic plan. RRA anticipates that in order to allow sufficient time for informing the public of the SWUF, receiving public comment and passing the ordinance with the required public hearings, the adoption of the SWUF could occur in late August 2003.

2. RRA with the assistance of graphic designer Beth Germon Ignaut, will develop several communication pieces for use by the City. Development of materials includes, drafting copy, design and layout, print production coordination, and placement in the appropriate medium. Two design concept options, complete with a sample layout for the non-residential sector communications piece, will be presented to the City. RRA will develop the following materials:
  - a. Utility bill stuffer targeted at residential sector.
  - b. Self-mailer (1 or 2 fold brochure) targeted at non-residential sector.
  - c. Advertisement or newspaper insert in the Rochester Post Bulletin.
  - d. Fact Sheets to be used in a variety of communication settings. A four-color design template would be created and printed. Space would be available on the fact sheet template for insertion of black and white copy to be added as needed. This will allow a cost effective, flexible communication tool that can be customized for use when meeting with a small group of businesses or community leaders. RRA will assist in writing copy for up to four fact sheets.
  - e. Letter and sample bill for nonresidential sector and others most likely to consider the SWUF objectionable.
  - f. Two press releases on the SWUF.
3. Meetings with stakeholders: RRA will facilitate two public meetings to receive comment on the proposed SWUF. As part of finalizing the strategic communications plan, RRA will recommend the forum for such meetings. Additionally, RRA recommends that City staff offer to have individual meetings/telephone conversations with a limited set of nonresidential stakeholders likely to find the SWUF objectionable. RRA will help structure those meetings, but does not propose to attend the individual meetings.

24

4. RRA will write copy for the City's web page providing information on the SWUF and provide copy and related graphics to the City for posting on the web page.
5. RRA will participate in up to six team project planning meetings and provide strategic communications advisory services throughout the project development.
6. RRA will assist with the planning for public hearings on the ordinance and key Council meetings as requested. RRA's proposal includes two such meetings.

**Richardson, Richter and Associates, Inc.**  
**Cost Proposal**  
**Table 1**

Richardson Richter & Associates, Inc. L. Gondringer @ 238 hours T. Richter @ 31 hours L. Pepper @ 25 hours	\$33,355
Beth Germon Ingaut	\$9,852
Expenses: mileage, copying, delivery of materials, misc. meeting expenses	\$1,000
<b>Total</b>	<b>\$44,207.00</b>

**RRA bills for professional services as follows:**

Trudy Richter, Principal	\$140.00 per hour
Linda Gondringer, Senior Associate	\$120.00 per hour
Lucy Pepper, Admin. Assistant	\$43.00 per hour

**Beth Germon Ignaut**, RRA graphic design subcontractor, bills for professional services at \$85 per hour plus required taxes for design services.

27



## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 4/7/03

29 -

<b>AGENDA SECTION:</b> Consent	<b>ORIGINATING DEPT:</b> Administration	<b>ITEM NO.</b> D-6
<b>ITEM DESCRIPTION:</b> Authorization to Bid First Street Ramp		<b>PREPARED BY:</b> Doug Knott DK
<p>AGA has completed preparation of plans and specifications for a one level addition to the First Street Parking Ramp. The project will add approximately 95 spaces to the ramp at an estimated total project cost of \$2,000,000. The scope of the design work was expanded (with Council approval) to also include the supporting structure for the south end of a new skyway bridge that will link Broadway Plaza to the skyway system. The project also includes the retrofit of the existing guard rails in the ramp to bring them up to current code (we need to increase them from their current height of 36" to 42").</p> <p>The intent is to open bids on May 13, 2003 and award a contract at the May 19, 2003 Council meeting. Work on the project will be complete by late fall of this year.</p> <p><u>COUNCIL ACTION REQUESTED:</u> Authorization to solicit bids for a one level addition to the First Street Parking Ramp and related improvements.</p>		
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____		



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03 31-

<b>AGENDA SECTION:</b> Consent Agenda	<b>ORIGINATING DEPT:</b> City Administrator	<b>ITEM NO.</b> D-7
<b>ITEM DESCRIPTION</b> Revocable Permit -- Placement of fence on dedicated walkway between Lots 10 & 11, Block 2, Graham Addition		<b>PREPARED BY:</b> T. Spaeth
<p>The City has received a revocable permit request from James Franck of 1503 4<sup>th</sup> Avenue SW to allow the placement of a fence (not to exceed 6' in height as permitted under the zoning ordinance) to be placed within the undeveloped public walkway located between Lots 10 &amp; 11, Graham Addition.</p> <p>Public Works staff has indicated there are no plans for walkway improvements has no objection to the request.</p> <p><b><u>COUNCIL ACTION REQUESTED</u></b></p> <p>Approval of a revocable permit for a fence to be placed within the public walkway right-of-way using the standard language and conditions.</p>		
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____		

۲۳

## REQUEST FOR COUNCIL ACTION

MEETING **33**

DATE: 4/7/03

<b>AGENDA SECTION:</b> Consent	<b>ORIGINATING DEPT:</b> Rochester International Airport	<b>ITEM NO.</b> D-8
<b>ITEM DESCRIPTION:</b> Enter into a professional services agreement with McGhie & Betts/HGA and advertise for bids for a boiler replacement project.		<b>PREPARED BY:</b> Steven W. Leque

The Rochester Airport Commission recommends and requests Council authorization to:

1. Enter into a professional services agreement with McGhie & Betts, Inc. and HGA – Architects & Engineers to provide design and engineering work for the replacement of two boilers in the Service Building and one boiler in the Emergency Management Building at the Rochester International Airport. These boilers are all approximately 40 years old. This project will also involve some asbestos abatement in order for the old boilers to be removed.

This professional services agreement shall not exceed \$24,000. This project is in the CIP.

Project Funding: 60% State  
40% Local

2. Advertise for bids for the boiler replacement project.

### COUNCIL ACTION REQUESTED:

Resolution authorizing the Mayor and the City Clerk to execute the Professional Services Agreement and advertise for bids.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

by

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

35

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-9
ITEM DESCRIPTION: TRANSFER OF OFF SALE INTOXICATING LIQUOR LICENSE FOR SILVER LAKE LIQUOR		PREPARED BY: DONNA J SCHOTT

Application has been received from Larry McConaughy and Charles Pagenhart for the transfer of the Off Sale Intoxicating Liquor License for Silver Lake Liquor located at 1400 North Broadway. The former owner of the business was Barbara Kellner. The corporation name has been changed to SL Liquor, Inc DBA Silver Lake Liquor.

The new owners are requesting the transfer be effective April 28, 2003. Transfer would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily.

### COUNCIL ACTION REQUESTED

A motion to approve the transfer of the Off Sale Intoxicating Liquor License for Silver Lake Liquor to SL Liquor, Inc.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

37

**AGENDA SECTION:**

Consent Agenda

**ORIGINATING DEPT:**

City Clerk

**ITEM NO.**

D-10

**ITEM DESCRIPTION:** Resolution in Support of the Nation's Armed Forces in Iraq**PREPARED BY:**

Judy Scherr

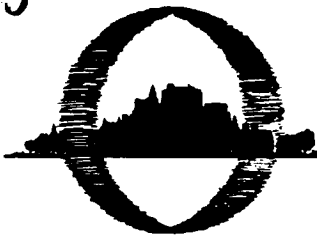
Tim Burton, Veteran Service Officer of Olmsted County, is asking the City Council to adopt the prepared resolution supporting the men and women of our Armed Forces who are carrying out their mission in Iraq. The Olmsted County Board will be adopting the resolution as well.

**COUNCIL ACTION REQUESTED**

A motion to adopt the resolution in support of the men and women of the Armed Forces carrying out their mission in Iraq.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

38



COUNTY OF  
*Olmsted*

VETERAN SERVICES  
151 4TH STREET SE  
ROCHESTER MN 55904-3711

TIM BURTON  
VETERAN SERVICE OFFICER  
burton.tim@co.olmsted.mn.us

KAREN APPLIN  
SECRETARY  
applin.karen@co.olmsted.mn.us

507/285-8205 TELEPHONE  
507/285-8872 FAX

*A resolution  
expressing support for our armed forces in the  
conflict with Iraq; urging support for military  
families in Rochester, MN.*

***WHEREAS**, the President of the United States has ordered military action  
in Iraq; and*

***WHEREAS**, more than 250,000 men and women of the United States Armed  
Forces are now stationed in the Middle East; and*

***WHEREAS**, members of the Minnesota National Guard and Reserve units  
assigned in Minnesota have been deployed in the Middle East in support of active  
duty military units; and*

***WHEREAS**, the citizens of Minnesota have great pride in the men and  
women of the United States Armed Forces and support them in their efforts; and*

***WHEREAS**, the citizens of Rochester, MN deeply appreciate the great  
personal sacrifices being made by our military personnel in the Persian Gulf and  
by their families and loved ones back home; NOW, THEREFORE,*

***BE IT RESOLVED** that the City Council for the City of Rochester, MN  
unequivocally supports the men and women of our Armed Forces who are carrying  
out their missions with professional excellence, dedicated patriotism, and  
exemplary bravery.*

***BE IT FURTHER RESOLVED** that the City Council urges local  
government agencies, religious institutions, employers, schools, charitable  
organizations, and all our citizens to do all that is humanly possible to assist the  
families and loved ones of our Armed Forces member with all necessary and  
available support.*

# REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 4/7/03

39 /

AGENDA SECTION:  
CONSENT AGENDA

ORIGINATING DEPT:  
CITY CLERK

ITEM NO.  
D-11

ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES

PREPARED BY:  
DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

## ON SALE TEMPORARY 3.2 PERCENT MALT LIQUOR

Olmsted County Fair 7/28/03 thru 8/3/03  
Olmsted County Fairgrounds  
Rochester, Mn. 55904

## DANCE – TEMPORARY

Abel Garcia  
2315 Park Ln SE  
Rochester, Mn. 55904  
Fundraiser for Helping Poor People of Mexico 6/20/03  
Graham Arena – Olmsted County Fairgrounds

Rookies Sports Bar & Grill  
1517 16<sup>th</sup> St SW  
Rochester, Mn. 55902  
Rodeo 4/11/03 and 4/12/03 7:30 PM  
Graham Arena  
Olmsted County Fairgrounds

## FIREWORKS DISPLAY

RES Specialty Pyrotechnics, Inc.  
21595 286<sup>th</sup> St.  
Belle Plaine, Mn. 56011  
Rochester Recreation Center 4/10/03 thru 4/13/03  
21 Elton Hills Dr. NW

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

40

**LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES**

**APRIL 7, 2003**

**PAGE 2**

**GAMBLING – TEMPORARY**

Gift of Life Transplant House

705 2<sup>nd</sup> St SW

Rochester, Mn. 55902

Raffle at Rochester Golf & Country Club 7/7/703

3110 Country Club Rd SW

Turn In Poachers Chapter Rochester

607 19<sup>th</sup> St NW

Rochester, Mn. 55901

Raffle at Knights of Columbus Hall 4/25/03

2030 Highway 14 East

Trout Unlimited

2222 21<sup>st</sup> St SE

Rochester, Mn., 55904

Raffle 5/3/03

Radisson Plaza Hotel

150 South Broadway

**GAMBLING – ANNUAL PREMISE PERMIT**

Community Charities

115 South Riverfront

Mankato, Mn. 56001 FOR

37<sup>th</sup> St Billiards

275 37<sup>th</sup> St. NE #400

Rochester, Mn. 55906

Community Charities

115 South Riverfront

Mankato, Mn. 56001 FOR

JJ'S Restaurant

3912 Hwy 52 North

Rochester Police Benevolent Association

101 4<sup>th</sup> St SE

Rochester, Mn. 55904 FOR

Brothers Bar & Grill

812 South Broadway

**TEMPORARY ON SALE INTOXICATING LIQUOR**

Hiawatha Homes Foundation

1820 Valkyrie Ave NW

Rochester, Mn. 55901

Fundraiser 5/20/03

41 /

**LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES**

**PAGE 3**

**APRIL 7, 2003**

**HEATING CONTRACTOR**

Paape Distributing Co.  
307 McKenzie St. PO Box 1  
Mankato, Mn. 56001

Home Solutions of Rochester, Inc.  
1915 Greenview Dr SW  
Rochester, Mn. 55902

**MASTER INSTALLER**

Ralph Prather  
845 South Ave  
North Mankato, Mn. 56003

James Kostroski  
714 36<sup>th</sup> St SW  
Rochester, Mn. 55902

Gregory Pumper  
1122 Northern Valley Dr. NE  
Rochester, Mn. 55906

**SIDEWALK CONSTRUCTION – CEMENT**

American Concrete  
7522 Salley St NW  
Oronoco, Mn. 55960

Select Concrete LLC  
7189 90<sup>th</sup> St SE  
Stewartville, Mn. 55976

O'Malley Construction, Inc.  
35799 241<sup>st</sup> Avenue  
LeCenter, Mn. 56057

**SOUND AMPLIFICATION**

Studio Academy Student Council  
707 1<sup>st</sup> Ave NE  
Rochester, Mn. 55906  
Concert Fundraiser      5/17/03      4:00 PM to 11:00 PM

Olmsted County Fair  
PO Box 5820  
Rochester, Mn. 55903  
Olmsted County Fairgrounds      7/28/03 thru 8/3/03      11:00 am to 1:00 PM  
**(PLEASE WAIVE 11:00 TIME PERIOD)**

42  
LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES

PAGE 4

APRIL 7, 2003

SEIV Union Local 113/Rochester Union Local 21  
105 North Broadway  
Rochester, Mn 55906  
Rally for Riverside Terrace Nursing Home & Victoria's Restaurant  
Peace Plaza 4/9/03 1:00 PM to 4:00 PM

**MISCELLANEOUS**

American Legion Auxiliary  
403 East Center St  
Rochester, Mn. 55904  
Annual Poppy Day Sales 5/2/03 thru 5/3/03  
City Streets and Shopping Centers  
Veterans of Foreign Wars #1215  
16 – 6<sup>th</sup> St. SW  
Rochester, Mn. 55902  
Annual Buddy Poppy Sales 5/9/03 and 5/10/03

American Heart Association  
2122 Campus Dr SE  
Rochester, Mn., 55904  
Annual Heart Walk 6/14/03 Soldiers Field Park

Southeastern "Support our Troops" Rally  
Parade from RTCT to Soldiers Field  
Memorial at Soldiers Field 3/30/03 12:00 Noon  
**(PRIOR APPROVALS: MCCONNELL, MARCOUX, HANSON, STOBAUGH)**

Community Net  
Parade 5/3/03 FOR  
National Volunteer Week  
3<sup>rd</sup> St SW to 2<sup>nd</sup> St SW

**COUNCIL ACTION REQUESTER**

A motion to approve the above licenses, bonds and miscellaneous city activities.

## REQUEST FOR COUNCIL ACTION

43  
MEETING

DATE: 4/7/03

<b>AGENDA SECTION:</b> Consent Agenda	<b>ORIGINATING DEPT:</b> Finance Department	<b>ITEM NO.</b> D-12						
<b>ITEM DESCRIPTION:</b> Approval of Accounts Payable		<b>PREPARED BY:</b> Dale Martinson						
<p>Respectfully request a motion to approve the following cash disbursements:</p> <table><tr><td>Investment purchases of</td><td>\$21,019,827.69</td></tr><tr><td>Accounts payable of</td><td><u>\$10,473,984.34</u></td></tr><tr><td>Total disbursements</td><td>\$31,493,812.03</td></tr></table> <p>(Detailed listing of disbursements submitted separately.)</p>			Investment purchases of	\$21,019,827.69	Accounts payable of	<u>\$10,473,984.34</u>	Total disbursements	\$31,493,812.03
Investment purchases of	\$21,019,827.69							
Accounts payable of	<u>\$10,473,984.34</u>							
Total disbursements	\$31,493,812.03							
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____								



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

45-

<b>AGENDA SECTION:</b> Consent Agenda	<b>ORIGINATING DEPT:</b> Fire	<b>ITEM NO.</b> D-13
<b>ITEM DESCRIPTION:</b> Additional Software License Agreement with New World Systems to Participate as a Beta Site for their new MSP Fire Software		<b>PREPARED BY:</b> R. Vance Swisher
<p>The New World Systems Software implementation has fallen short in the area of fire department preplans and records. The existing AS400 fire module doesn't meet the fire department's needs and New World has ended any plans to improve this module on the AS400 platform.</p> <p>New World Systems is now developing the fire module exclusively on a Micorsoft Software Platform which is less expensive and more reliable. The City of Rochester has been provided the opportunity to obtain this software for free if we assist with its development. The City of Rochester will have to purchase a new server to put the software on and pay for training services for the new software. The IS department believes this can be accomplished for \$25,000.</p> <p>The funding for this project would come from an encumbrance to New World Systems in J 1977.</p> <p><b>COUNCIL ACTION REQUESTED:</b> The Rochester Fire Department requests permission to enter into an agreement with New World Systems to Beta Test their new MSP Fire Software. The Fire Department further requests that the Council adopt a resolution authorizing the Mayor and City Clerk to sign the Additional Software License Agreement.</p>		
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____		

44  
**Kvenvold, Steve**

---

**From:** Martinson, Dale  
**Sent:** Friday, February 21, 2003 12:19 PM  
**To:** Kvenvold, Steve  
**Cc:** Apel, Teryl; Reich, Jerry  
**Subject:** RE: New World MSP

Stevan,

I don't have an explanation as to why, but this email is not in my inbox. Perhaps I somehow deleted it by mistake. Sorry if I did.

#### SPENDING, NOW?

I realize that we are in a severe budget crisis, but somehow after all this is done, we will still have a fire dept. that will need to be dispatched and will need to report on calls and will need efficient delivery of preplans to the incident site. The New World software implementation has gone far in meeting the needs of the police department, but there is no question that it has fallen short in the area of fire department preplans and records. We are still having to work off from some of our old original software and maintain this because the New World systems does not meet their needs.

#### NEW WORLD DIRECTION

New World has stated that they will not be enhancing any of the fire modules in their AS400-based system, leaving that platform development primarily for law enforcement modules. I'm guessing here, but I expect they have found many fire departments that are standalone from law enforcement and they are unable to obtain the level of funding needed to acquire AS400 level hardware and software. Their direction now is to develop the fire modules exclusively on Windows NT-based systems which are less expensive and have, in recent years, become more and more reliable. I am sure they feel they can attract a much larger market share on this less expensive operating platform. The point here is that the existing AS400 module doesn't meet the fire department's needs now and New World has ended any plans to improve it on that platform. Our choice is to plod along with the limits under the fire AS400 module, or accept their free software as a beta/development site.

#### COST

This is an opportunity to obtain this software for "free" with only our time in assisting development being our software cost. We will, of course, have to purchase an NT (or now Windows 2000) server to put the software on and we will need to pay for training services, either here or at New World's shop, whichever proves most cost-effective. I have discussed this with Jerry Reich and believe we can get this done for \$25,000.

#### FUNDING

There is still an encumbrance to New World in J 1977 for \$193,000 which will not be needed for the AS400 modules on this project. I could argue that in fact those dollars were encumbered to obtain both a police AND fire package that met their needs and since they do not feel the current module does (and neither does the IS staff), then this \$193,000 is still available to get the New World fire package to a place where it does meet their needs. However, since it is clearly a different direction than the initial contract with New World, I do feel we should request your approval before proceeding.

#### APPROVAL

I ask your favorable consideration of this request so that we might proceed while the offer is still open, utilizing a small portion of the remaining funding source that was originally dedicated to fulfillment of both fire and police dispatch and records needs.

Thank you,

Dale

-----Original Message-----

**From:** Kvenvold, Steve  
**Sent:** Friday, February 21, 2003 11:06 AM  
**To:** Martinson, Dale  
**Subject:** FW: New World MSP

47

-----Original Message-----

**From:** Swisher, Vance  
**Sent:** Friday, February 07, 2003 10:09 AM  
**To:** Kvenvold, Steve  
**Cc:** Leland, Jeff; Apel, Teryl; Martinson, Dale; Reich, Jerry  
**Subject:** FW: New World MSP

Steve,

The City of Rochester has been offered the opportunity to be a Beta Test Site for the latest version of New World's Fire Product. By participating as the Beta Test Site, we would receive the product at no cost and have a greater influence on the development of the software, however we would have to pay approximately \$30,000 for a new server and training.

I would like to set up a meeting with yourself, Dale, Teryl, Jeff, and I to discuss the approval process to move forward with the Beta Site proposal and the possibility of using money from the existing CIP (J1977) to cover the cost with this project.

Thank you for your time and consideration.

R. Vance Swisher  
Fire Protection Specialist  
Rochester Fire Department  
201 4th Street SE, Room 10  
Rochester, MN 55904-3726  
vswisher@ci.rochester.mn.us  
(507) 287-1589

-----Original Message-----

**From:** Apel, Teryl  
**Sent:** Friday, February 07, 2003 9:10 AM  
**To:** Leland, Jeff  
**Cc:** Swisher, Vance; Reich, Jerry  
**Subject:** New World MSP

Jeff, I have checked with Dale regarding the funding for the MSP project and although there is no money specifically set aside for the project there is sufficient funds in the New World cip project (J1977) to cover these expenses (server, training etc.), approximately \$30,000. However, Dale does want you to get approval from Stevan Kvenvold to proceed with the project and to use funds from the existing cip (J1977) project to cover expenses. Any questions, let me know. Thanks.

42

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: April 7, 2003

49

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police and Fire	ITEM NO. D-14
ITEM DESCRIPTION: 2002 State and Federal Domestic Preparedness Equipment and Training Grant Program		PREPARED BY: Roger Peterson

Local units of government in Minnesota have a unique opportunity to obtain grants for the purchase of advanced levels of responder equipment designed to protect critical infrastructure from terrorist attacks, as well as grants for training first responders to respond to events involving weapons of mass destruction (WMD). For 2002, there are different types of grant available for equipment and training.

The U.S. Department of Justice (DOJ) FFY2002 Appropriations act provided money to Minnesota for local government to purchase equipment. The Minnesota Legislature in the 2002 Legislative Session appropriated money for local government to purchase equipment and train local responders. The Department of Justice Grant is in the amount of \$58,322. The MN equipment grant is in the amount of \$37,066. The Minnesota Training grant is in the amount of \$88,649.

The Department of Public Safety, Division of Emergency Management (DEM) is the designated administrator of these programs. DEM will distribute these funds through grants that will reimburse local units of government for approved purchases under these programs. No local match is required for the DOJ funds; however, a 25 percent match is required for purchases under the state equipment program. It is expected that this 25% match will be covered by items the Fire Department plans to purchase between the time the grant agreement is signed and December of 2003. The match equals approximately \$12,000 worth of equipment.

DOJ/State Equipment and Training Grant applications must be submitted by Olmsted County. Both programs require that only the County may apply for funds. The County may then provide equipment and training to first responders who represent an integral part of the jurisdiction's operational response plan. We may pool our allocations to purchase equipment. All participating jurisdictions must sign a letter of understanding that gives the authority to purchase to a designated jurisdiction, (Olmsted County), which then facilitates the contract. Olmsted County will act as fiscal agent for this grant.

The Olmsted County Sheriff's Office, the Rochester Police Dpt, and Rochester Gold Cross have been meeting on a regular basis over the last six months to discuss our needs for equipment and training. We have all agreed to a list of items which will enhance the ability of local responders to respond to a terrorist attack or a WMD event. This will enhance the safety of the community and increase interoperability.

**Council Action Requested:** Approval to participate in the 2002 State and Federal Domestic Preparedness Equipment and Training Grant Program. Approval for the Chief of Police, Fire Chief, Mayor, or City Administrator to sign a letter of understanding that gives the authority to purchase to Olmsted County which will facilitate the contract. Approval for the Rochester Police and Fire Department to accept training and equipment under the grant.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



# REQUEST FOR COUNCIL ACTION

MEETING

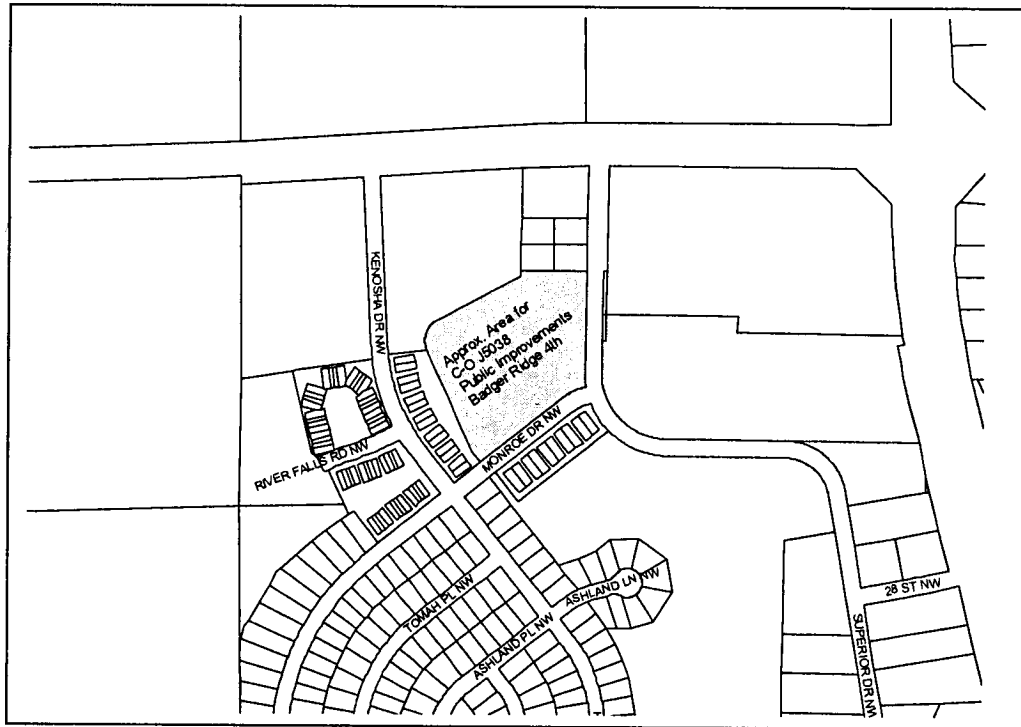
DATE:

51  
4/7/03

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-15
<b>ITEM DESCRIPTION:</b> Owner Contract – Public Improvements Badger Ridge Fourth Subdivision (J5038)		<b>PREPARED BY:</b> M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Badger Development II, LLC (Owner) & Road Constructors, Inc. (Contractor) are requesting a City / Owner Contract J5038 consisting of "Public Improvements Badger Ridge Fourth Subdivision". Said plans include the construction of Appleton Ln NW, which is a public street being replatted as part of Badger Village Townhomes.



## COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5038 "Public Improvements Badger Ridge Fourth Subdivision". Said plans include the construction of Appleton Ln NW, which is a public street being replatted as part of Badger Village Townhomes".

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:



# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

4/7/03

53

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-16
<b>ITEM DESCRIPTION:</b> Development Agreement for Hawk Ridge Development LLC		<b>PREPARED BY:</b> R. Freese
<p>The City staff and representatives of Hawk Ridge Development LLC have discussed and agreed to the terms of a Development Agreement for the development project known as Hawk Ridge to be constructed south of Pinewood Road and east of South Park Subdivision. The proposed development agreement addresses the Owner's obligation to:</p> <ol style="list-style-type: none"><li>1. Execute a City / Owner Contract to construct all on-site and off-site public infrastructure improvements necessary to serve the subdivision, and</li><li>2. Grade the property to limit the surface water runoff into the South Park subdivision to predevelopment conditions, and</li><li>3. Construct off-site storm water conveyance improvements for storm water generated from the subdivision, and</li><li>4. Limit the average daily number of trips created from the project to 370 until a second access is provided to serve the subdivision, and</li><li>5. Pay all development related fees and charges.</li></ol> <p>The City's obligations include:</p> <ol style="list-style-type: none"><li>1. Payment of oversize costs for utilities constructed to serve the subdivision, and</li><li>2. Payment of \$55,500 for the City's portion (non-Hawk Ridge storm water flows) of the storm sewer improvements constructed by the Owner along the west side of 22<sup>nd</sup> Avenue SE to convey storm water from the subdivision to a storm water pond located north of Pinewood road.</li></ol> <p>The Owner has reviewed and executed the Agreement.</p> <p><b>COUNCIL ACTION REQUESTED:</b></p> <p>Authorize the Mayor and City Clerk to execute a Development Agreement with Hawk Ridge Development LLC for the Hawk Ridge Subdivision project.</p>		



# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

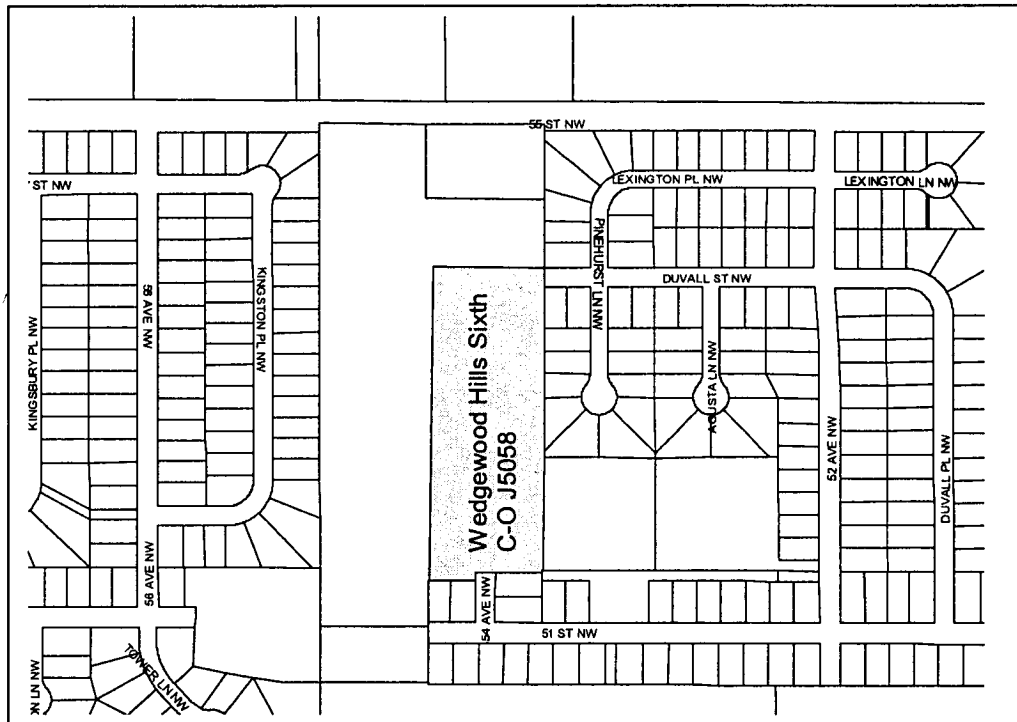
4/7/03

55

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-17
<b>ITEM DESCRIPTION:</b> Owner Contract – Basic Construction in Wedgewood Hills Sixth (J5058)		<b>PREPARED BY:</b> M. Baker NB

Staff would offer the following Owner Contract project for consideration by the Council:

Mr. Leslie Lurken (Owner) & McHugh Excavating & Plumbing, Inc. (Contractor) are requesting a City / Owner Contract J5058 consisting of "Basic Construction in Wedgewood Hills Sixth".



## **COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5058 "Basic Construction in Wedgewood Hills Sixth".

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:



# REQUEST FOR COUNCIL ACTION

MEETING

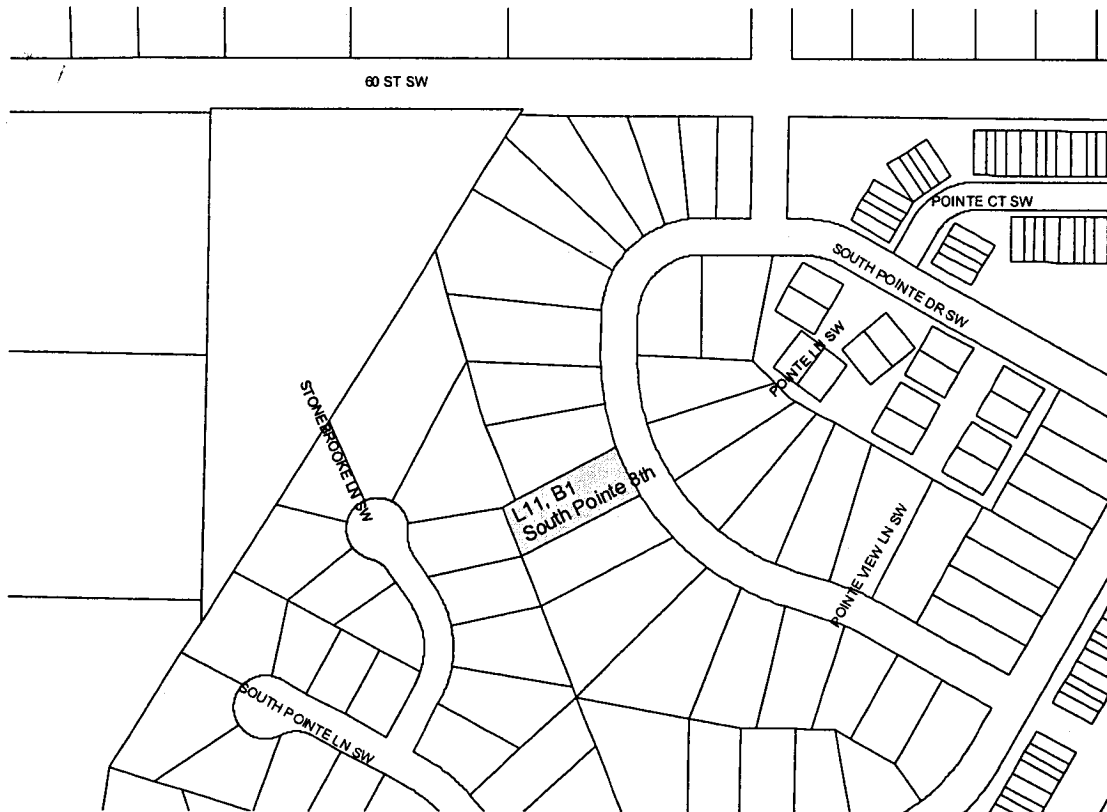
DATE: 04/07/03

57

<b>AGENDA SECTION:</b> Consent Agenda	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-18
<b>ITEM DESCRIPTION:</b> Real Estate – Partial Release of Development Agreement - Lot 11, Block 1, South Pointe Eighth		<b>PREPARED BY:</b> M. Nigbur

The City currently has a Development Agreement for the South Pointe Development. One of the properties within the development, Lot 11, Block 1, South Pointe Eighth, is now being conveyed to a new owner. The new owner has requested the City to release the parcel from the obligations related to the Development Agreement.

Staff has reviewed this request and has also reviewed the obligations for the Development Agreement on this specific parcel. This partial release will remove the obligations of the Development on this lot. Since the obligations associated with this lot have been met Staff would recommend in favor of a Partial Release of Development Agreement for Lot 11, Block 1, South Pointe Eighth.



## COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing the Mayor and City Clerk to execute the Partial Release of Development Agreement for Lot 11, Block 1, South Pointe Eighth.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

58

# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

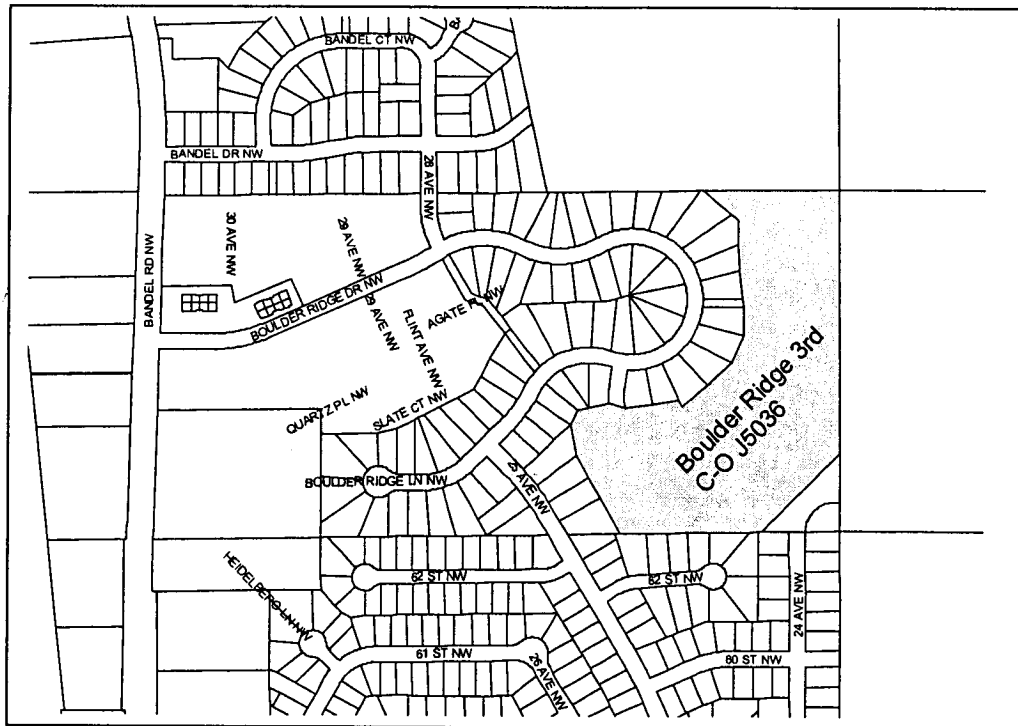
4/7/03

59

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-19
<b>ITEM DESCRIPTION:</b> Owner Contract – Basic Construction in Boulder Ridge Third (J5036)		<b>PREPARED BY:</b> M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Arcon Development, Inc. (Owner) & Arcon Construction, Inc. (Contractor) are requesting a City / Owner Contract J5036 consisting of "Basic Construction in Boulder Ridge Third".



## COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5036 "Basic Construction in Boulder Ridge Third".

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:



# REQUEST FOR COUNCIL ACTION

MEETING

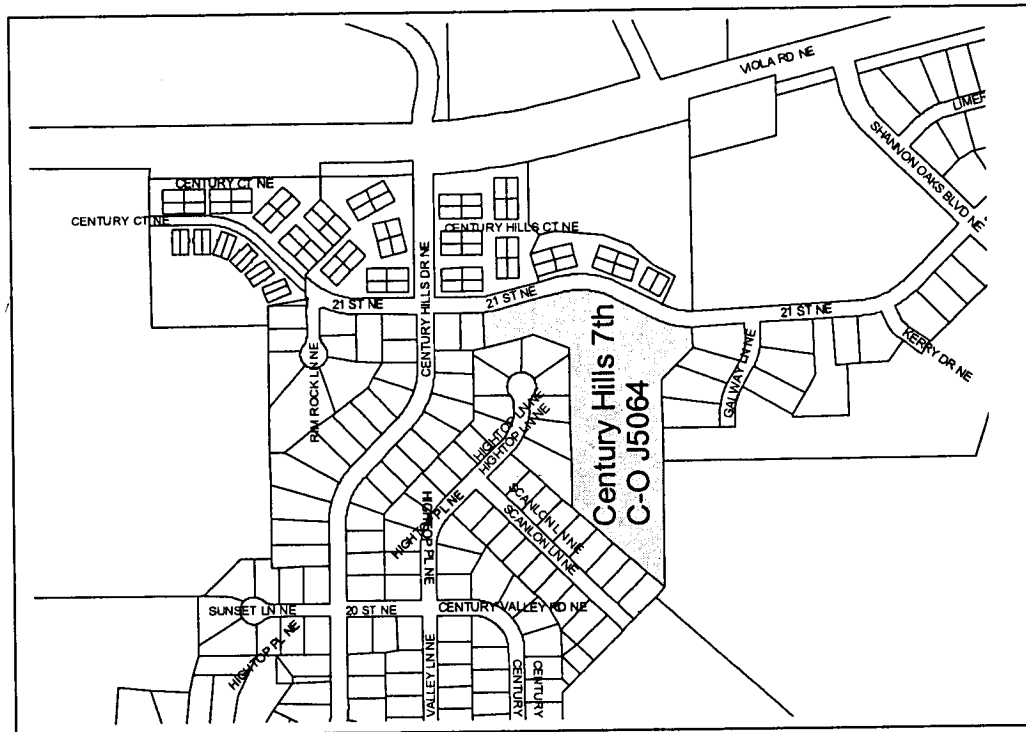
DATE:

61 -  
4/7/03

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-20
<b>ITEM DESCRIPTION:</b> Owner Contract – Basic Construction in Century Hills Seventh Subdivision (J5064)		<b>PREPARED BY:</b> M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Payne Company (Owner) & Jech Excavating, Inc. (Contractor) are requesting a City / Owner Contract J5064 consisting of "Basic Construction in Century Hills Seventh Subdivision".



## COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5064 "Basic Construction in Century Hills Seventh Subdivision".

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

62

# REQUEST FOR COUNCIL ACTION

MEETING

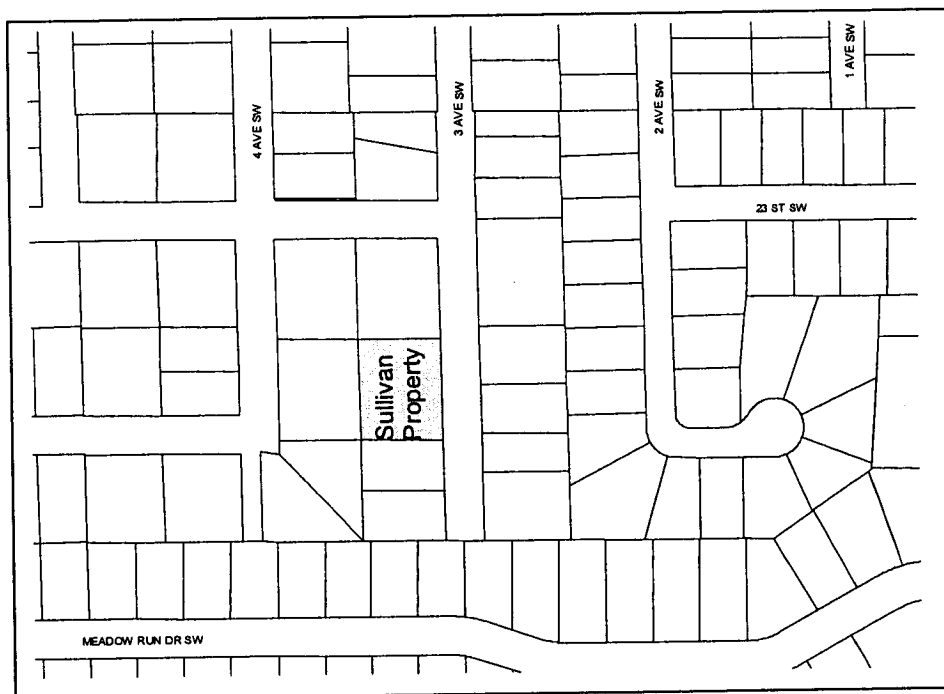
DATE:

63  
4/7/03

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-21
<b>ITEM DESCRIPTION:</b> Pedestrian Facilities Agreement – Richard H. Sullivan & Anna Sullivan for Lot 3, Block 5, Hillmer's Highview Acres No. Two, Olmsted County, Minnesota		<b>PREPARED BY:</b> M. Baker

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

- Richard H. Sullivan & Anna Sullivan are the Owners of real property platted as Lot 3, Block 5, Hillmer's Highview Acres No. Two, Olmsted County, Minnesota. The Owners have requested approval of a Metes & Bounds Subdivision M&B#03-02, to split the Property for an additional building lot, and as a condition of approval, have requested that a Pedestrian Facilities Agreement be approved to address their obligations for providing pedestrian facilities along the frontage of the Property abutting 3<sup>rd</sup> Ave SW.



## **COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with Richard H. Sullivan & Anna Sullivan for Lot 3, Block 5, Hillmer's Highview Acres No. Two, Olmsted County, Minnesota.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

4/7/03

AGENDA SECTION:  
CONSENT AGENDA

ORIGINATING DEPT:  
Public Works

ITEM NO.

D-22

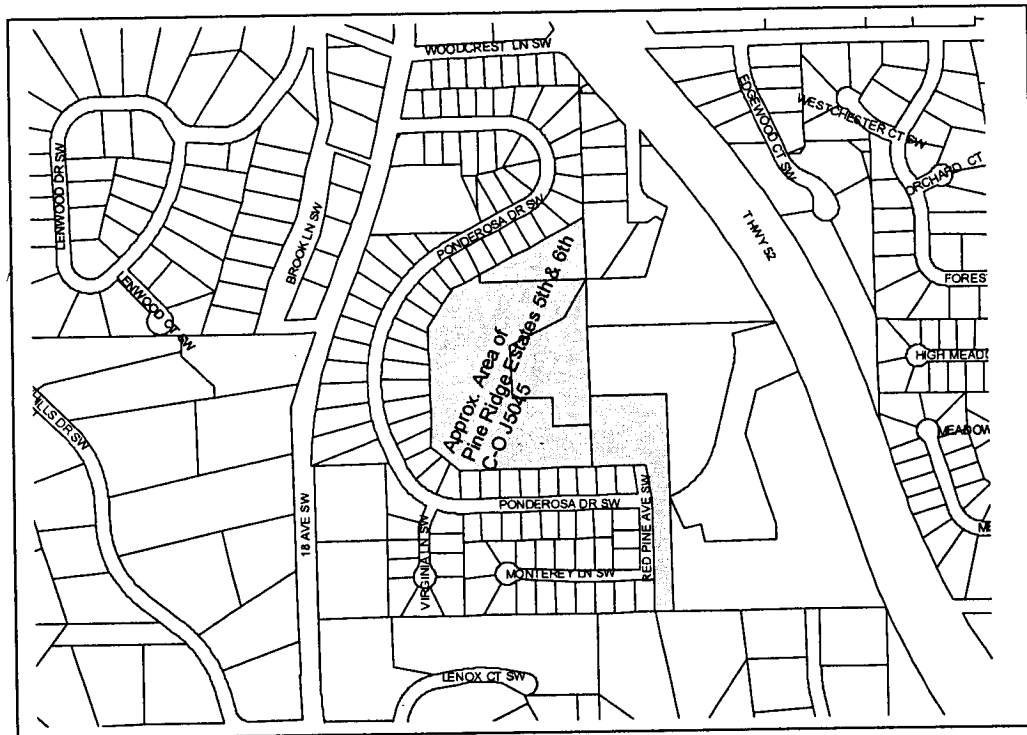
ITEM DESCRIPTION: Owner Contract – Public Improvements Pine Ridge Estates Fifth Subdivision (J5045)

PREPARED BY:

M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

DKMC Development (Owner) & Road Constructors, Inc. (Contractor) are requesting a City / Owner Contract J5045 consisting of "Public Improvements Pine Ridge Estates Fifth Subdivision". Said plans also include the public improvements to serve Pine Ridge Estates Sixth Subdivision.



## COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5045 "Public Improvements Pine Ridge Estates Fifth Subdivision (including public improvements to serve Pine Ridge Estates Sixth Subdivision)".

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:



**REQUEST FOR COUNCIL ACTION**

MEETING

DATE:

67  
4/7/03

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-23
<b>ITEM DESCRIPTION:</b> CHANGE ORDERS / CIVIC CENTER RAMP RESTORATION PROJECT (CITY PROJECT # 8215-39-02)		<b>PREPARED BY:</b> T. Knauer

The City contracted for various repairs to the Civic Center and Third Street parking ramps. During the course of the project other repairs were identified which are to be funded under a miscellaneous repair allowance. (The project is complete with exception of formal approval of this change order detailing these miscellaneous repairs.) All warranties and lien waivers have been received. The project will be closed out with this action.

**Change Order #3.****Items included:**

- |   |                   |
|---|-------------------|
| 1. Third Street Ramp- Roof level conduit and slab repair. | \$162.00          |
| 2. Civic Center- Upgrade fencing                          | \$222.00          |
| 3. Civic Center- Repair bumper cables                     | \$2,382.25        |
| 4. Third Street- Replace conduit at light poles           | \$1,170.00        |
| 5. Third Street- Replace emergency transformer            | \$2,192.00        |
| <b>Total amount</b>                                       | <b>\$6,128.25</b> |

The original contract is for \$339,627.50. The final amended amount with all change orders will be \$348,343.15. Funds are available in the CIP under J-2578 and J2583.

**COUNCIL ACTION REQUESTED:**

Adopt the prepared resolution approving Change Order #3 with Brent Anderson Associates in the amount of \$6,128.25 for City Project #8215-39-02.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

62

.

**REQUEST FOR COUNCIL ACTION**MEETING **69**DATE: **4/7/03****AGENDA SECTION:**  
CONSENT AGENDA**ORIGINATING DEPT:**  
Public Works**ITEM NO.**  
**D-24****ITEM DESCRIPTION:** Harvestview Development Agreement Supplement #1**PREPARED BY:**  
**R. Freese**

The City staff and representatives of Joel Bigelow and Sons Enterprises, Inc. have discussed and agreed to the terms of supplemental language to the Development Agreement for the development project known as Harvestview to be constructed north of 55<sup>th</sup> Street NW and west of 50<sup>th</sup> Avenue NW. The supplement language is needed to clarify or supplement conditions in the original development agreement. The proposed Supplement # 1 to the Harvestview Development Agreement addresses the Owner's obligation for:

1. Dedicate drainage easements and Outlots for storm water flow generated off the site, and
2. Payment of Storm Water Management District 7 charges, and
3. Exchange of an equal amount of land with the City attributable to the curvilinear nature of 52<sup>nd</sup> Street NW, and
4. Payment of trunk sewer and watermain improvements constructed by the City in City Project J9572 to serve the property, and
5. Construct a trunk sewer through the property to serve the property and other development.

The City's obligations include:

1. Design and construction of regional storm water facilities to serve the property, and
2. Make available to the Owner 13,500 cubic yards of material from the excavation of the regional storm water pond located on the Welch property adjacent to Harvestview (this obligation was included in the original development agreement with the material to come from the Harvestview pond), and
3. Exchange of an equal amount of land with the City attributable to the curvilinear nature of 52<sup>nd</sup> Street NW, and
4. Issue revocable permits to Owner for a portable storm water pond aerator and the location of an entrance sign on City property.

The Owner has reviewed and executed the Supplement # 1 to the Harvestview Development Agreement.

**COUNCIL ACTION REQUESTED:**

Authorize the Mayor and City Clerk to execute the Supplement # 1 to the Harvest view Development Agreement.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



# REQUEST FOR COUNCIL ACTION

Meeting  
Date 04/07/03

AGENDA SECTION Rochester Public Utilities	ORIGINATING DEPT: Consent Agenda	ITEM NO. D-25
--	-------------------------------------	------------------

ITEM DESCRIPTION: Consideration of Public Utility Board Action	PREPARED BY: Kathy Wilson
---	------------------------------

The Rochester Public Utility Board has approved the following on March 25, 2003 and requests the Common Council's favorable consideration:

- to approve a resolution to approve the additional scope and associated costs based on final design and the delay of construction and commercial operation to the two engineering services agreements with Stanley Consultants, Inc. for the Engineering Services Contract for Silver Lake Modifications to Provide Steam and the Engineering Services Contract for the Steam and Condensate Project. All work to be performed on a time and material basis which will not exceed a total amount of \$1,198,135.00 for both contracts.
- to approve a resolution to approve a 4% increase in water revenue rates effective April 8, 2003.
- to recommend that the Council approve the implementation of a community fire protection charge of \$1.00 per customer per month for residential customers, and \$2.00 per customer per month for commercial/industrial customers.
- to approve a resolution to approve the following rate schedules effective April 8, 2003:

Residential Service (RES)  
Residential Service – High Efficiency HVAC (RES-HEF)  
General Service (GS)  
General Service Time-Of-Use (GS-TOU)  
Medium General Service (MGS)  
Medium General Service Time-Of-Use (MGS-TOU)  
Purchased Power Adjustment Clause (PPAC)

GENERAL MANAGER: *Tony Koshin 3/27/03*

COUNCIL ACTION:	Motion by: _____	Second by: _____	to:
-----------------	------------------	------------------	-----

72

page 1 of 2  
**FOR BOARD ACTION**

Agenda Item # 5

Meeting Date:

3/25/03

**SUBJECT:**

Change Orders #4, #5 and #6  
RPU- Mayo Steam Export Project  
Stanley Consultants, Inc.

**PREPARED BY:**

Wally Schlink, Manager of Power Production

ITEM DESCRIPTION:

Background: At the July 31, 2001 Board Meeting, the Utility Board approved two professional services contract agreements with Stanley Consultants, Inc. to provide engineering services for the RPU-Mayo Steam Supply project. At the March 26, 2002 Board Meeting, the Utility Board approved additional professional services to be added to the contracts for expanded scope items that were identified during the early portion of the design engineering process. The approved expanded items brought the total approved amount of the contracts to \$902,500

The contract agreements were broken down to cover the two sub-projects that make up the Mayo project. The first being the Silver Lake Plant Project that includes the modifications and revisions to the Silver Lake Plant. The second consisting of the Steam and Condensate Project which includes the steam delivery piping and condensate return systems that connect the two facilities.

Since that approval, staff has been working diligently to procure the required permits to begin construction but the process has negatively impacted the schedule and some related costs. Originally the project was scheduled to be completed and in service by November of 2002. Currently we are scheduled to complete the permit process in April of 2003 and to immediately begin the construction phase of the project with commercial operation to immediately follow completion of construction. The combination of additional scope based on final design and the delay of construction and commercial operation has caused additional engineering costs to be identified.

Staff has requested Stanley Consultant, Inc. to submit proposals for the additional engineering services and they are attached to the FBA. An executive summary is as follows:

Change Order #4 - Independent General Contractor schedule development, relocation of water treatment sanitary sewer, bid alternatives and the addition of horizontal and vertical controls into construction drawings. Total change order \$42,650

Change Order #5 - Design changes within Water Treatment facility, modification of design packages, operational driven design changes, project management during schedule extension, plan check requirements, DM&E structural support details, changes to steam pipe specification,

  
General Manager

3/21/03  
Date

## FOR BOARD ACTION

Agenda Item # 5

Meeting Date:

3/25/03

coordination efforts, value engineering, cost evaluations and spreadsheet development. Total Change Order \$147,985

Change Order #6 Resident Project Engineer Adjustment – Original cost estimate was based on 2001-2002 rates and a total of 9 man-months of Resident Engineer services. The current schedule calls for 2003 – 2004 rates for labor and expenses and increases the required time Resident Engineer services are required to 12 man-months. Total additional expenses \$102,600

The additional scopes and changes will increase the total contract amounts to:

Silver Lake Plant Project - \$722,958

Steam & Condensate Project - \$472,722

Stanley Consultants, Inc. has been the engineering firm involved with the development of the project since 1997. They have developed the project design to its current level and are the A&E firm for Mayo on the Prospect Utility Plant portion of the project. RPU and Mayo have been working with Stanley Consultants on the project and are satisfied with their performance.

Attached are the proposals from Stanley Consultants providing scope and ceiling amounts to perform the requested services.

The cost of the plant project, including Stanley's fees, will be recovered through a capital recovery charge component in the steam price to Mayo, while the steam pipeline costs will be an immediate pass-through to Mayo during the construction process.

### UTILITY BOARD ACTION REQUESTED:

Staff recommends that the Utility Board approve a resolution requesting the Common Council to approve the additional scope and associated costs to the two contracts with Stanley Consultants Inc. All work will be performed on a time and material basis not to exceed the established ceiling.

The Engineering Services Contract Agreement for the RPU Silver Lake Plant Project and the Engineering Services Contract Agreement for the Steam and Condensate Project will not exceed a total amount of \$1,195,680

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Date

74

**FOR BOARD ACTION**

Agenda Item # 7

Meeting Date: 3/25/03

**SUBJECT:** 2003 Water Revenue Adjustment**PREPARED BY:** Curt Kraft, Director of Administration**ITEM DESCRIPTION:**

At the February Board meeting, staff reviewed with the Board the year-end cash position and expected capital expenditures for 2003. The major factors for the staff's recommendation of a rate increase was the continued community growth and the major impact that the Highway 52 project will have on the water utility capital budget.

In accordance with Board policy, staff was directed to provide public notice of a 4% water rate increase to be considered at the March Board meeting. Included in the notice was the impact to the average residential customer of approximately 35 cents per month. The proposed rate schedule is attached.

**UTILITY BOARD ACTION REQUESTED:**

It is recommended that the Board request the Common Council to approve a 4% increase in water rates effective April 8, 2003.

Larry Koskin  
General Manager

3/21/03  
Date

**ROCHESTER PUBLIC UTILITIES**

15

# FOR BOARD ACTION

Agenda Item # 8

Meeting Date: 3/25/03

**SUBJECT:** Electric Utility Rate Tariff Changes

**PREPARED BY:** Bryan Blom, Sr. Financial Analyst

## ITEM DESCRIPTION:

The cost-of-service/rate study results were presented to the Board at the February Board meeting along with proposed rate adjustments. The public was notified regarding the proposed rate tariff changes on February 27, 2003.

The proposed adjustments to the Electric Utility rates are designed to be revenue neutral at the customer class level, but move closer to cost-of-service based rates for the individual rate components (energy, customer, demand). The affected customer classes/rates are detailed in the attached schedule. The proposed changes to the tariffs are also attached.

A change to the current Electric Utility Residential GX (Geo-Exchange: ground-source heat pumps) is requested so that it also applies to air-source heat pumps. The proposed rate tariff is referred to as the Residential High-Efficiency HVAC rate. In addition to expanding the applicability of the rate to this new equipment, the proposed rate tariff also specifies minimum equipment efficiency standards necessary to qualify for the rate.

Annually the factors used in the purchased power adjustment clause (PPAC) are updated. The PPAC comes into effect when power supply costs exceed the amount that was built into the rates. The factors are as follows:

	<u>Current</u>	<u>Proposed</u>
Energy cost factor	1.03222	1.01497 (factors in energy losses)
Demand cost factor	0.00192	0.00190 (converts demand cost to \$/kWh)
Base cost factor	\$0.04335	\$0.04202

## UTILITY BOARD ACTION REQUESTED:

Approve and recommend to the City Council approval of the following rate schedules effective April 8, 2003.

Residential Service (RES)  
 Residential Service – High Efficiency HVAC (RES-HEF)  
 General Service (GS)  
 General Service Time-Of-Use (GS-TOU)  
 Medium General Service (MGS)  
 Medium General Service Time-Of-Use (MGS-TOU)  
 Purchased Power Adjustment Clause (PPAC)

  
 General Manager

3/21/03  
 Date



# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4-7-03

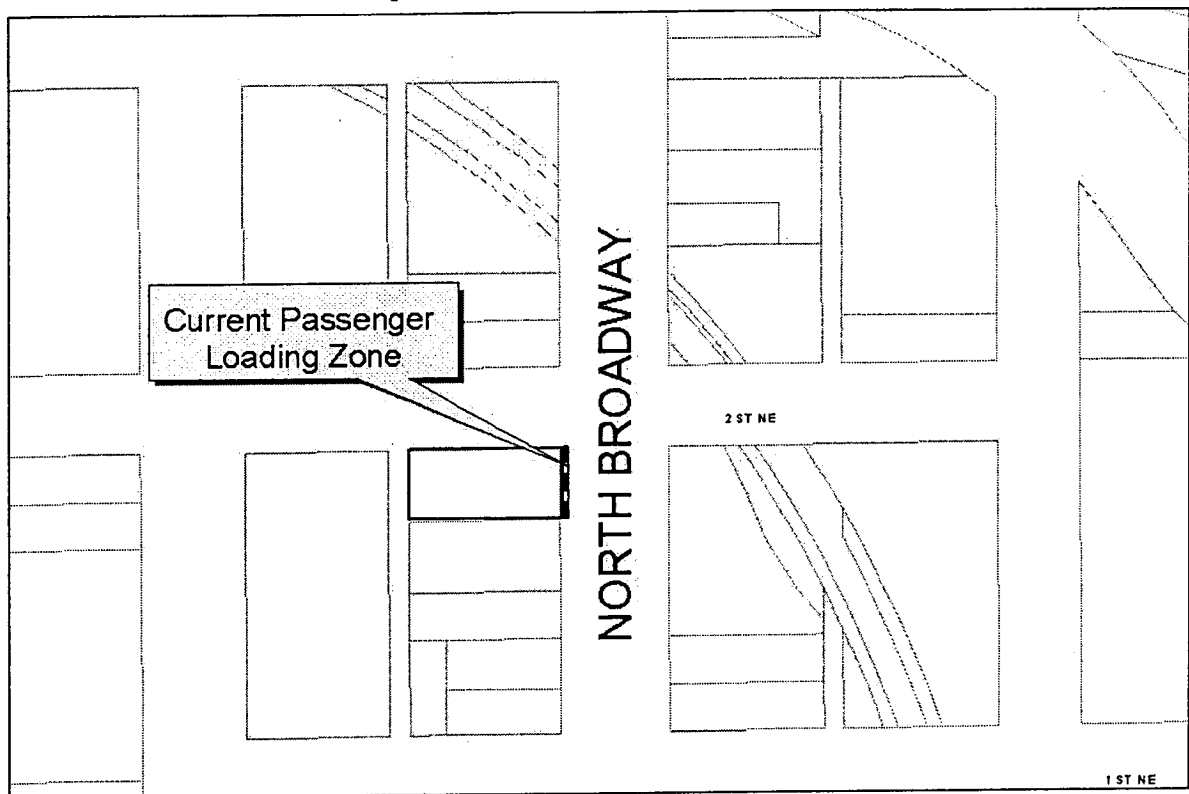
AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-26
ITEM DESCRIPTION: Conversion of Passenger Loading Zone to Passenger and Commodity Loading Zone		PREPARED BY: S. Beecham <i>mb</i>

The City has received a request from Mr. Sean Hyde of Area 51 at 117 North Broadway (536-9556) to convert the current 15-minute Passenger Loading Zone to a 15-minute Passenger and Commodity Loading Zone to accommodate the deliveries that are made to this business, as well as the passengers.

This area is currently marked as follows: 'No Parking, Passenger Loading Zone'.

The new restriction would be as follows: 'No Parking, Passenger and Commodity Loading Zone'.

Staff recommends in favor of this request.



## **COUNCIL ACTION REQUESTED:**

A) Adopt the prepared resolution adding paragraph (0.5) of Section J "Passenger and Commodity Loading Zones" of the Comprehensive Traffic and Parking Resolution Book, to read;

(0.5) North Broadway, on the west side, 60 feet more or less, in front of the premise known as 117 North Broadway (Area 51), 'No Parking, Passenger and Commodity Loading Zone'.

B) Delete paragraph 2.5 of Section E "Passenger Loading Zones".

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

4/7/03

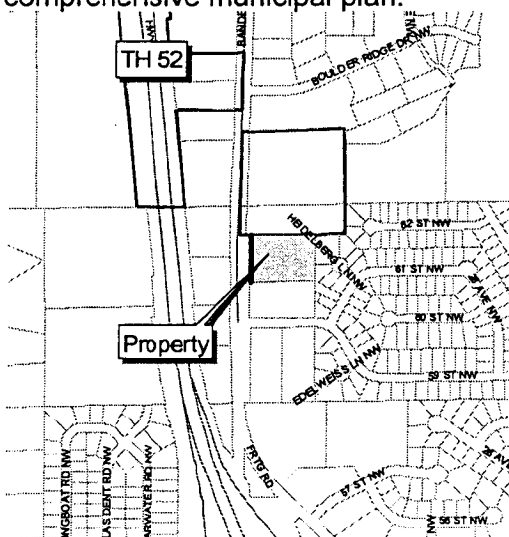
<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-27
<b>ITEM DESCRIPTION:</b> Real Estate – Settlement for Right of Way Acquisition for Bandel Road J9815	<b>PREPARED BY:</b> M. Nigbur <i>wn</i>	

The City Staff in conjunction with their consulting engineer have been working on the design for the Bandel Road Reconstruction project. Based on the designs that have been developed City staff pursued acquisition of the needed area of property using the state acquisition requirements. Based on the continued negotiations between the City and Bandel Affordable Townhomes LTD, a preliminary settlement has been reached.

This settlement agreement includes the following provisions:

1. Owner agrees to convey the needed right of way to the City in the amount of \$7,081.38.
2. Access will be maintained throughout the project for emergency vehicle access. Access to the site will be interrupted periodically due to minor work including storm sewer construction, and roadway work directly in front of the property. Staff will keep the management staff apprised of the general work schedule that may affect the immediate access of the townhome project.
3. The City agrees to repair and replace any disturbed areas on Owner's existing parcel resulting from the construction of the Project. Disturbed grass areas will be replaced with sod.

In addition State law requires planning agency review and a written report on all city acquisitions or disposals of interests in public property unless the governing body determines, by resolution adopted by two-thirds vote, that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan. The acquisition or disposal of real property recommended in this RCA has no relationship to the City's comprehensive municipal plan.



## COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Settlement Agreement with Bandel Townhome LTD for the Bandel Townhomes Property.

The Council should also adopt, by a two-thirds vote, a second resolution finding that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4/7/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-28
ITEM DESCRIPTION: Advertise for Bids: Sanitary Sewer to Serve 6 - Lots in Oslo Court NE, J7707		PREPARED BY: J. Loehr

This is a request for a resolution to advertise for bids. The bids will be received until 11:00 AM at the office of the City Clerk on May 8, 2003 and considered by the City Council on May 19, 2003 for the following project:

**Project No. M2-33, J7707**

**"Sanitary Sewer to Serve Lots 1-3 and Lots 11-13 in Osjor Estates 3<sup>rd</sup> Subdivision Located on Oslo Court NE."**

The project involves the construction of sanitary sewer to serve 6 developed properties under the City of Rochester, Water Quality Protection Program (WQPP).

The project is proposed to be funded from Sanitary Sewer Connection Charges (Utility Connection Agreements) and Sales Tax Revenue appropriated to the Water Quality Protection Program.

**COUNCIL ACTION REQUESTED:**

A resolution should be adopted authorizing the City Clerk to advertise for bids and conduct a bid opening on May 8, 2003 at 11:00 AM.

**Note to City Clerk:**

Advertise 3 times in the Post Bulletin and Construction Bulletin beginning **April 11, 2003**.

Att: Map  
Notice of bid

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

## REQUEST FOR COUNCIL ACTION

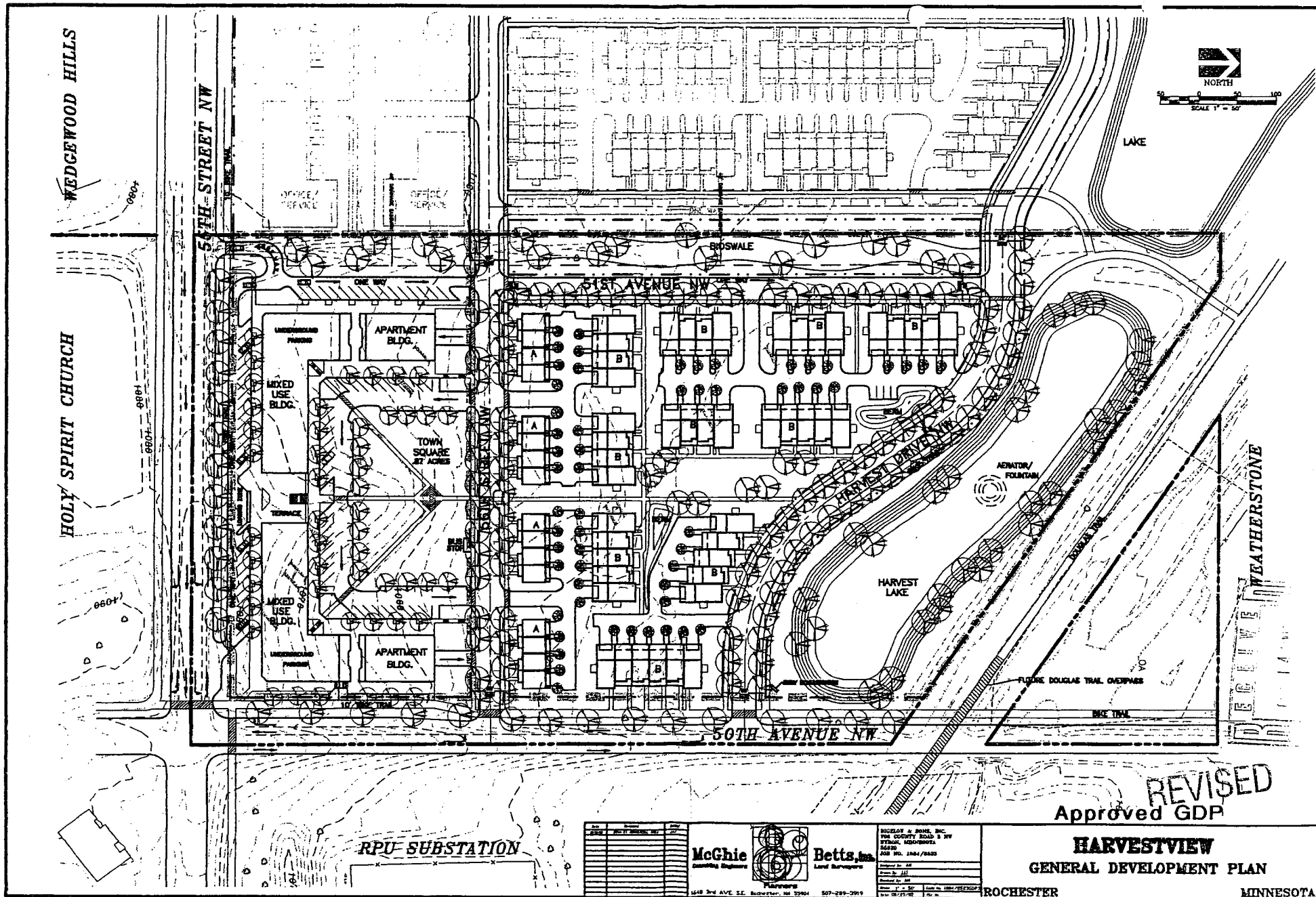
MEETING

DATE: 4-7-03

77-

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-1
ITEM DESCRIPTION: Amendment to General Development Plan #190 by Bigelow Enterprises known as Harvestview. Land uses proposed include single family attached dwellings and a mixed commercial/residential district on approximately 17.09 acres of land. The Plan identifies both public and private road, including connections to adjacent properties. The property is located along the north side of 55 <sup>th</sup> Street NW and along the west side of 50 <sup>th</sup> Avenue NW.		PREPARED BY: Brent Svenby, Planner
<p>March 31, 2003</p> <p><b><u>City Planning and Zoning Commission Recommendation:</u></b></p> <p>On March 12, 2003 the City Planning and Zoning Commission reviewed an amendment to the Harvestview General Development Plan. The Commission also reviewed amendments to Special District language.</p> <p>The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.</p> <p>Mr. Haeussinger moved to recommend approval of Amendment to General Development Plan #190 known as Harvestview with the staff-recommended findings and conditions. Ms. Petersson seconded the motion. The motion carried 8-0</p> <p><b><u>Conditions:</u></b></p> <ol style="list-style-type: none"><li><i>The applicant shall amend the existing Development Agreement with the City of Rochester to address the change in purposed use from single-family low density residential to a mixed use of commercial, multi-family residential and low density residential.</i></li><li><i>Prior to or concurrent with final platting, ownership and maintenance of the area shown as the "town square" shall be address.</i></li><li><i>When the property is platted controlled access will be required along the entire frontage of 55<sup>th</sup> St NW, and 50<sup>th</sup> Ave NW, with the exception of any approved street accesses, and/or private drive accesses approved through the GDP process.</i></li><li><i>Pedestrian facilities will be required along both sides of all new public roads within this property, as well as, a bituminous path along the entire frontage of 55<sup>th</sup> St NW, and the easterly frontage of 50<sup>th</sup> Ave NW. The Owner's obligations regarding the required pedestrian paths are addressed in the existing Development Agreement.</i></li><li><i>The development causes the need for parkland and that the parkland dedication requirements for this development will be met via the deferred land dedication to occur west of Harvestview with dedication to occur when the future park site is accessed via a public street or the park department wishes to begin development of the site.</i></li><li><i>At the time of platting roadway names will need to be approved by the GIS Addressing Staff.</i></li></ol> <p><b><u>Planning Staff Recommendation:</u></b></p> <p>See attached staff report dated March 6, 2003.</p> <p><b><u>Council Action Needed:</u></b></p> <ol style="list-style-type: none"><li><i>The Council may approve, approve with conditions, or deny the amendment to the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.</i></li><li><i>If the Council wishes to proceed with the amendment to the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.</i></li></ol> <p><b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____</p>		

72



RPU SUBSTATION

NO.	DATE	DESCRIPTION	BY
1	10/1/04	PRELIMINARY PLAN	MC
2	10/1/04	FINAL PLAN	MC

**McGhie**  
consulting Engineers



**Betts, Inc.**  
Land Surveyors

BUCKLEY & BONE, INC.  
FOR COUNTY ROAD & HW  
STRAIGHT, MINNESOTA  
S&S  
JOB NO. 1064/0405  
Drawn by: JAM  
Checked by: JAM  
Date: 10/1/04  
Scale: 1/8" = 100'

REVISED  
Approved GDP

**HARVESTVIEW**  
GENERAL DEVELOPMENT PLAN

ROCHESTER

MINNESOTA

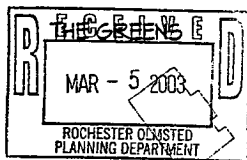
WEDGEWOOD HILLS

HOLY SPIRIT CHURCH

68.01 X

1091.3

REVISED



RPU SUBSTATION

1048.9

NO.	DATE	REVISION
1	10/1/01	INITIAL DESIGN
2	10/1/01	REVISION
3	10/1/01	REVISION
4	10/1/01	REVISION
5	10/1/01	REVISION
6	10/1/01	REVISION
7	10/1/01	REVISION
8	10/1/01	REVISION
9	10/1/01	REVISION
10	10/1/01	REVISION

McGhie  
Consulting Engineers



Betts, Inc.  
Land Surveyors

PROJECT NO.	1084/5523
DATE	10/1/01
BY	KL
CHECKED BY	KL
APPROVED BY	KL
DATE	10/1/01

HARVESTVIEW  
AMENDED GENERAL DEVELOPMENT PLAN  
ROCHESTER MINNESOTA



NORTH

SCALE 1" = 50'

STORM POND

50th AVE. NW

50th AVE. NW

55th STREET NW

55th STREET NW

HARVESTVIEW DRIVE NW

DOUGLAS TRAIL

FUTURE OFFICE/SERVICE

FUTURE OFFICE/SERVICE

FUTURE TOWN HOUSES

CONDOMINIUM BUILDING

CONDOMINIUM BUILDING

MIXED USE BUILDINGS

MIXED USE BUILDINGS

CONDOMINIUM BUILDING

CONDOMINIUM BUILDING

MIXED USE BUILDINGS

MIXED USE BUILDINGS

CONDOMINIUM BUILDING

CONDOMINIUM BUILDING

MIXED USE BUILDINGS

MIXED USE BUILDINGS

CONDOMINIUM BUILDING

CONDOMINIUM BUILDING

MIXED USE BUILDINGS

MIXED USE BUILDINGS

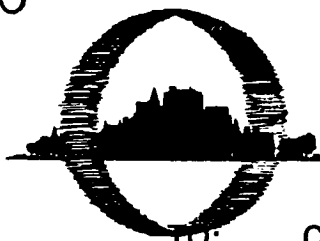
CONDOMINIUM BUILDING

CONDOMINIUM BUILDING

MIXED USE BUILDINGS

MIXED USE BUILDINGS

80

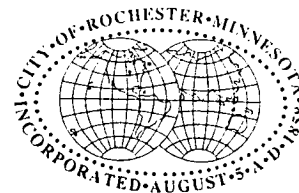


# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*



**TO: City Planning and Zoning Commission**

**FROM: Brent Svenby, Planner**

**DATE: March 6, 2003**

**RE: Amendment to General Development Plan #190 known as Harvestview**

## *Planning Department Review:*

**Applicant/Owner:**

Bigelow Enterprises  
706 County Road 3 NW  
Byron, MN 55920

**Consultants:**

McGhie & Betts, Inc.  
1648 Third Ave. SE  
Rochester, MN 55904

**Size and Location:**

The property is located on the north side of 55<sup>th</sup> Street NW and along the west side of 50<sup>th</sup> Avenue NW.

**Existing Land Use:**

The site is presently undeveloped.

**Proposed Use:**

An amendment to the Special District is being proposed on this site concurrent with this GDP. The Plans proposes developing approximately 17 acres of land with a mixed-use development that would include retail/commercial uses, open space, and residential uses.

**Land Use Plan:**

This property is beyond the boundaries of the Rochester Urban Service Area Land Use Plan. It is, however, within the 25-year Urban Service Area for the City of Rochester on the Olmsted County Future Land Use Plan Map. Land Use Designations within this area are considered to be "Low Density Residential".

**Zoning:**

This property is currently zoned R-1 (Mixed Single Family) residential. An amendment to the Harvestview Special District is being proposed for this property, concurrent with this GDP.

**Streets:**

This development proposes public roadways, with modified right-of-way widths. Please see Exhibit "D" of the Harvestview Special District for more details. The Plan does accommodate the improvements currently being constructed on 55<sup>th</sup> Street NW and



50<sup>th</sup> Avenue NW.

**Sidewalks:**

Pedestrian facilities will be required throughout the development and will include a combination of sidewalks and bituminous paths. The has executed a Development Agreement with the City which requires a 10 foot width path along 50<sup>th</sup> Ave. NW and 55<sup>th</sup> St. NW.

**Drainage:**

The surface drainage from the property generally drains from south to north. The GDP identifies a storm water detention facility south of the Douglas Trail.

Detailed grading and drainage plans will also be required when the property is platted or developed.

**Wetlands:**

No hydric soils exist on this site, based on the Soil Survey.

**Public Utilities:**

Utilities will be extended from 50<sup>th</sup> Avenue NW and 55<sup>th</sup> Street NW to accommodate this development. The water mains must be networked through the property and the water mains and sewer mains must be extended to adjacent properties.

Static water pressures within the area will range from the mid 80's PSI to near 100 PSI. The builders must install pressure reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.

Revisions to the utility plans are necessary. Careful consideration must be made in the placement of the service connections to the four large buildings to avoid potential problems. Prior to final plat application, construction plans (including utilities) will need to be approved.

Currently the City is doing a sanitary sewer trunk main project along the Douglas Trail and 50<sup>th</sup> Avenue NW to increase the capacity of service to this property and the surrounding properties. Once this sanitary sewer trunk main project is completed there will be adequate sanitary sewer to support this development.

**Parkland Dedication:**

The Rochester Park and Recreation Department recommends that parkland dedication requirements for this development be met via the deferred land dedication to occur west of Harvestview with dedication to occur when the future park site is accessed via a public street or the park department wishes to begin development of the site.

82

March 6, 2003  
Page 3 of 7  
Harvestview GDP

**Referral Comments:**

1. Rochester Public Works
2. John Harford, Planning Dept. & Wetlands RGU
3. RPU Water Division
4. RPU Operations Division
5. MnDOT
6. GIS/Addressing Division
7. Fire Department

**Report Attachments:**

1. Referral Comments
2. Copy of proposed amendment to the GDP
3. Copy of the approved GDP
4. Neighborhood Meeting Summary

**Staff Suggested Findings and Recommendation:**

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became effective May 15, 1999).

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

***The property is designated for "low density residential" types of land uses on Land Use Plan. The applicant is petitioning to amend the Harvestview Special District for the property, which would create a mixed-use development consisting of single attached, multi-family residential, and retail/commercial uses. The Land Use Plan supports mixed-use developments.***

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

***The Land Use Plan supports mixed-use development. This property's location and the existing and current infrastructure improvements underway on the adjacent roadways in the area support the Land Use Plan policies and criteria for establishing the mix of uses proposed on the GDP and in the Special District.***

***Access and circulation appear generally compatible with the future use of adjacent property. Roadway access is shown to abutting properties, as required by the Ordinance.***

***This development proposes public roadways, with modified right-of-way widths.***

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

***The GDP promotes the development of mixed housing styles. Additionally, the GDP is consistent with the Housing Plan and the standards for the physical and social environments of residential neighborhoods.***

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

***Currently the City is doing a major reconstruction project on 50<sup>th</sup> Avenue NW and the portion of 55th Street NW, which is adjacent to the property. With the completion of these projects the roadways will be adequate to handle the anticipated traffic generated by the development.***

***Access and circulation appear generally compatible with the future use of adjacent property. Roadway access is shown to abutting properties, as required by the Ordinance.***

***This development proposes public roadways, some with modified right-of-way widths.***

- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

***Currently the portion of 55<sup>th</sup> Street NW adjacent to the property and 50<sup>th</sup> Avenue NW are being reconstructed to accommodate additional traffic. Fiftieth Avenue NW is being designed as an arterial roadway and 55<sup>th</sup> Street NW is being upgraded to a collector roadway. Upon completion of the reconstruction project, there will be adequate roadways fronting the development to serve the proposed uses.***

***Access control will be required at the time of platting.***

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements

CM

Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

***Currently the City is doing a sanitary sewer trunk main project along the Douglas Trail and 50<sup>th</sup> Avenue NW to increase the capacity of service to this property and the surrounding properties. Once this sanitary sewer trunk main project is completed there will be adequate sanitary sewer to support this development.***

***Utilities will be extended from 50<sup>th</sup> Avenue NW and 55<sup>th</sup> Street NW to accommodate this development. The water mains must be networked through the property and the water mains and sewer mains must be extended to adjacent properties.***

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

***Pedestrian facilities will be required throughout the development and will include a combination of sidewalks and bituminous paths. A bituminous path will be required along the entire frontage of 55<sup>th</sup> Street NW and the easterly frontage of 50<sup>th</sup> Avenue NW. The Owner's obligations regarding the required pedestrian paths are addressed in the existing Development Agreement.***

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

***The surface drainage from the property drains from south to north. The GDP identifies one storm water pond south of the Douglas Trail. Storm Water Management will be provided by the proposed detention facility located south of the Douglas Trail. A proportional storm water management charge will apply to the areas of the property that are not developed as low density residential.***

***Detailed grading and drainage plans will also be required when the property is platted or developed.***

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

85

***The Land Use Plan supports mixed-use development. This property's location and the existing and infrastructure improvements currently under construction in the area support the Land Use Plan policies and criteria for establishing the mix of uses proposed on the GDP and in the Special District.***

***Access and circulation appear generally compatible with the future use of adjacent property. Roadway access is shown to abutting properties, as required by the Ordinance.***

***This development proposes public roadways, some with modified right-of-way widths. Pedestrian facilities will be required throughout the development and will include a combination of sidewalks and bituminous paths.***

### ***Recommendation:***

The major amendments to the GDP occur in the Town Center portion of the plan. The approved GDP has one-way parking and traffic around the town square as well as a one-way loop of parking under the buildings. The proposed amendment has two-way traffic around the town square with the drive aisle actually going into the underground parking. The amendment also proposes a parking area on the west side of the property south of 56<sup>th</sup> Street NW which in the approved GDP is shown as a drainage easement. With the proposed amendment the drainage would need to be confined to pipes under the parking area. The other proposed amendment is the condo building on the east side of the site. Parking access to this building would be from the parking area to the west of the building but traffic exiting the building would exit onto 56<sup>th</sup> Street NW.

Overall the proposed amendment to the GDP shows less landscaping (street trees) than what is shown on the approved plan.

At this time, staff suggests that the following conditions should be imposed in order to assure compliance with the Rochester Zoning Ordinance and Land Development Manual:

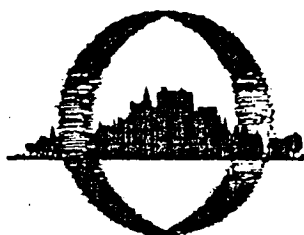
- 1. The applicant shall amend the existing Development Agreement with the City of Rochester to address the change in purposed use from single-family low density residential to a mixed use of commercial, multi-family residential and low density residential.***
- 2. Prior to or concurrent with final platting, ownership and maintenance of the area shown as the "town square" shall be address.***
- 3. When the property is platted controlled access will be required along the entire frontage of 55<sup>th</sup> St NW, and 50<sup>th</sup> Ave NW, with the exception of any approved street accesses, and/or private drive accesses approved through the GDP process.***
- 4. Pedestrian facilities will be required along both sides of all new public roads within this property, as well as, a bituminous path along the entire frontage of 55<sup>th</sup> St NW, and the easterly frontage of 50<sup>th</sup> Ave NW. The Owner's obligations regarding the required pedestrian paths are addressed in the existing Development Agreement.***

gl

March 6, 2003  
Page 7 of 7  
Harvestview GDP

5. *The development causes the need for parkland and that the parkland dedication requirements for this development will be met via the deferred land dedication to occur west of Harvestview with dedication to occur when the future park site is accessed via a public street or the park department wishes to begin development of the site.*
6. *At the time of platting roadway names will need to be approved by the GIS Addressing Staff.*

87



COUNTY OF  
*Olmsted*



Rochester-Olmsted Planning Department  
GIS/Addressing Division  
2122 Campus Drive SE  
Rochester, MN 55904-4744  
Phone: (507) 285-8232  
Fax: (507) 287-2275

## GENERAL DEVELOPMENT PLAN

### REFERRAL RESPONSE

**DATE:** February 24, 2003

**TO:** Jennifer Garness

**FROM:** Randy Growden  
GIS/Addressing Staff  
Rochester-Olmsted County  
Planning Department

**CC:** Andy Masterpole (McGhie and Betts Inc.)

**RE:** **HARVESTVIEW AMENDED**

**GENERAL DEVELOPMENT PLAN #190**

A review of the **GDP** has turned up the following **ROADWAY** or **ADDRESS** related issues.

1. The use of the roadway name **HARVEST** as stated in the Amended General Development Plan and the Preliminary Plat cannot be used, as it would cause duplication of roadway name.

**RECOMMENDATION:** Change the roadway name but keep the roadway type and directional.

**NOTE:** A private roadway name will be required at the time of addressing in the North West part of plat where access comes off 51 Avenue NW and ~~Harvest~~ Drive NW.

28



The hand to reach for...  
**DAVID A. KAPLER**  
Fire Chief

DATE: February 24, 2003  
TO: Jennifer Garness, Planning  
FROM: R. Vance Swisher – Fire Protection Specialist  
SUBJECT: Amendment to General Development Plan #190, Harvestview and Harvestview Special District 02-07 petition.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

A minimum of 20 foot clear driving surface for emergency vehicle access, exclusive of parking lanes must be provided to each building. Roadways with insufficient width to provide parking and the required access width shall be provided with "No Parking – Fire Lane" signs installed in accordance with Public Works Department specifications.

3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division  
Bigelow Enterprises, 706 CR 3 NW Byron, MN 55920  
McGhie & Betts, Inc. 1648 3<sup>rd</sup> Avenue SE, Rochester, MN 55904



89-

February 24, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Amendment to General Development Plan #190 by Bigelow & Sons Enterprises, Inc. known as Harvestview and Harvestview Special District #02-07 to include an additional floor of residential units in the mixed use building and amend the town square looped traffic flow to create two dead-ends.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

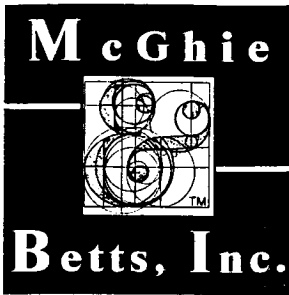
1. With the elimination of the previously planned looped roadway and the water system around the town square two dead end roadways and water main stubs are created. This will affect both water quality and reliability for the entire area south of 56<sup>th</sup> St NW. Careful consideration must be made in the placement of the service connections to the four large buildings to avoid potential problems.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention  
Bigelow & Sons Enterprises, Inc.  
McGhie & Betts, Inc.



90

Rochester  
Minnesota

February 12, 2003

Mr. Brent Svenby  
Consolidated Planning Department  
2122 SE Campus Drive  
Rochester, MN 55904

RE: Summary of Harvestview General Development Plan and  
Special District Amendment

Dear Brent:

1. Building Height

After further analysis of the site, the client has decided to pursue more residential units within the mixed-use building. The initial approval has approximately 22,000 square feet of retail at the 55<sup>th</sup> Street NW level and the option of another approximately 22,000 square feet of retail, office or residential at the walk-out (north side) level.

The underground parking remains under the building, but it is now at the walkout level. The livable building area at the walkout level was moved to the third story. Four-story towers were also added to the east and west corners of the main building.

2. Access

The initial approval had a one-way loop of parking under the entire mixed-use building complex. In an effort to provide more secure parking for condo residents, the circulation of the underground parking was revised. The two separate condo buildings have their own secured parking (16 stalls) under each building. The access into the town square area is now two-way and creates a loop under the building.

3. Town Square

In an effort to create a viable Town Square, the area was gradually terraced so that the retail level was more accessible to pedestrians.

If you have any questions, please give me a call.

Sincerely,

McGhie & Betts, Inc.

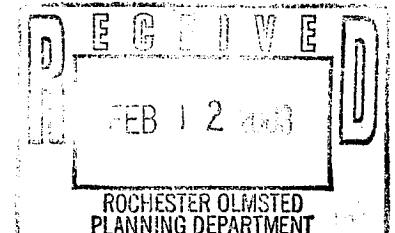
Andrew J. Masterpole, ASLA  
AJM/bd

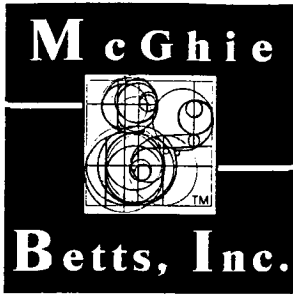
1648 Third Avenue S.E.  
Rochester, MN 55904

Tel. 507.289.3919  
Fax. 507.289.7333

e-mail. mcghiebetts.com

Established 1946





R o c h e s t e r  
M i n n e s o t a

1648 Third Avenue S.E.  
Rochester, MN 55904

Tel. 507.289.3919

Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946

**MINUTES OF THE  
NEIGHBORHOOD INFORMATIONAL MEETING  
FOR  
HARVESTVIEW  
ON FEBRUARY 27, 2003, 7:00 PM  
AT THE HOLY SPIRIT ELEMENTARY SCHOOL**

In Attendance: See attached attendance list.

Development Team Members Present:

Andrew Masterpole, McGhie & Betts, Inc., Mike Paradise, Tony Bigelow and Ward Opitz of Joel Bigelow & Sons Enterprises, David Kane and Bruce Meadows of Kane & Johnson Architects.

Purpose: The purpose of the meeting was to introduce the proposed revisions to the approved General Development Plan to the neighborhood and to answer questions and document concerns or issues that may need further investigation.

General Discussion:

Andrew Masterpole gave a brief history of the project site and discussed the town center concept, the mixed-use building, parking and access, density, open spaces and reasons for the Special District. He also discussed the reason for the amendment. The main reason was the increased height and density to the proposed mixed-use building and the revisions to the vehicular circulation through the town center area. Mike Paradise of Joel Bigelow & Sons Enterprises also addressed the group and discussed the reasons for the changes to the mixed-use building. The schedule for the public hearing process was also reviewed with the neighbors.

A concept plan for the area west of Harvestview to 60<sup>th</sup> Avenue NW was also presented. This area includes a large (40 acres) area for storm ponds, a mix of uses and an elementary school.

Also presented and reviewed by the neighbors was the following support data:

1. Boards:
  - a. Approved GDP/Special District Plan.
  - b. Amended GDP/Special District Plan.
  - c. Conceptual Plan for Welch/Clowes/Kirkland property.
  - d. Mixed-Use Building Elevations.
  - e. Mixed-Use Building Floor Plans.

- Q2
- f. Perspective of Town Square.
  - g. Color Studies of Building Elevations.

Questions and Answers:

Question:

Are all of the units rental or for sale?

Answer:

*All units are planned to be for sale. The mixed-use building will consist of condo units that will be 1-3 bedrooms. The attached townhome units on the north part of the site will also be for sale.*

Question:

What is the ballpark price for the condo units?

Answer:

*The condo units will range from 950 square feet to 1600 square feet and the prices could range from \$130,000 - \$140,000 to \$250,000-\$300,000.*

Question:

Where does the storm water drain?

Answer:

*There will be catch basins and a storm sewer system throughout the development. The storm sewer will drain into the drainage swale along the west property line and/or the storm pond along the north end of the project.*

Question:

How wide is 55<sup>th</sup> Street NW?

Answer:

*52 feet.*

Question:

Why not the two levels as before? Why add the additional stories?

Answer:

*The commercial proposed along the north or walkout level was too risky. Visibility would be poor and windows along the north would make it more difficult to rent those spaces.*

Question:

Is the second level below grade eliminated?

Answer:

*Yes.*

Question:

Where could we go to see a similar sized four-story building?

Answer:

*Quarry Ridge Apartments just west of Highway 52, north of 2<sup>nd</sup> Street SW. The apartment complex along 41<sup>st</sup> Street NW, just east of the Mayo Building (former Western Digital Building) or Shorewood Senior Housing along 2<sup>nd</sup> Street SW.*

Question:

Would it be the tallest building in the area?

Answer:

*Yes, but technically Holy Spirit Church is taller and also sits on much higher ground.*

Question:

Will it be the dominant architecture of the area?

Answer:

*Yes.*

Question:

Will there be an association fee for the condos?

Answer:

*Yes.*

Question:

Will the "Town Square" be open to everyone?

Answer:

*Yes, it will be a public space, but it will be privately maintained. It is our intent to include public restrooms below the proposed bandshell area.*

94

Question:

Do you need the fourth story to make the project feasible?

Answer:

*Mike Paradise explained that the additional condo units will help lessen the risk of building such an expensive building. David Kane explained that the additional "features" on the ends and in the middle also created a more attractive and interesting building will have more details and shadowing effects.*

Question:

What are the intended construction materials for the mixed-use building?

Answer:

*It would be a combination of materials. The two corners and middle areas will probably be brick. The banding may be synthetic stucco and the siding will be vinyl or metal.*

Question:

Are all of the roads public in the townhome area?

Answer:

*Yes, but the areas that go to the garages will be private alleys*

Question:

Will there be a stop light at 55<sup>th</sup> Street NW and 50<sup>th</sup> Avenue NW?

Answer:

*A stoplight is being planned for the future, but nothing at this time.*

Question:

Where will service trucks come and go?

Answer:

*There will be a loading/unloading area in the angle parking off of 55<sup>th</sup> Street NW for the quicker deliveries. Other deliveries will occur along the west side of the mixed-use building or on the north side that would use the elevator.*

Question:

Will there be street trees in front of the building along 55<sup>th</sup> Street NW?

Answer:

*Yes, smaller trees are planned immediately by the building and larger trees are planned in the median island separating the angle parking drive and 55<sup>th</sup> Street NW.*

95

**Question:**  
**Are the townhomes for sale units?**

**Answer:**  
**Yes.**

94

# Attendance Roll

## NEIGHBORHOOD MEETING

**PROJECT:** HARVESTVIEW SUBDIVISION

**DATE:** FEBRUARY 27, 2003

**TIME:** 7:00 P.M.


**PLACE:** Holy Spirit Church - "Commons Area"  
5455 NW 50<sup>th</sup> Avenue  
Rochester, MN 55901

NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
1. Ruth G. Colville	4817 Wintergreen Ln NW	ruthgc@go.com
2. Joseph Reynolds	5133 Lexington Lane NW	252 8805
3. Mike Rander	4606 White Oak, L	
4. James T. Colville	4817 Wintergreen Lane, NW	jdcolv-busego.com
5. TERRY SCHAEFER	4910 OAKLAWN LANE N.W.	289-8480
6. MARY ANN Schaefer	4910 Oaklawn Lane NW	289-8480
7. DONALD SWANSON	5234 GOODVIEW LN NW	288-6863
8. KARP OPIZ	5255 110 <sup>th</sup> Ave Byron	775-2280
9.		
10.		
11.		
12.		
13.		
14.		

97

4. Parkland dedication for this subdivision shall be met via dedication of Outlot K, with the balance due (if any) to be in the form of cash in lieu of land, subject to meeting the slope and turf requirements as outlined in the February 19, 2003 memorandum from Rochester Park and Recreation. Deeding of the Outlot is to occur when the park is accessed via public street or the City wishes to begin development of the site.
5. Dedication of a Noise Easement will be required for Phase III of the proposed subdivision, prior to recording the Final Plat for Phase III.
6. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.
7. Dedication of off-site drainage and utility easements is required prior to recording the Final Plat for this development.
8. Pedestrian facilities will be required along both sides of all new public roads within this property, including adjacent to Outlots. In addition, the Owner is obligated to construct/pay for the construction of a 10 foot wide bituminous pedestrian path along the entire frontage of East Circle Drive including Outlots, and is obligated to construct any required mid-block pedestrian path connections within this development.
9. Design of roadways shall be modified per February 28, 2003 comments from Rochester Public Works.
10. If portions of this Plat are not serviceable with gravity flow sanitary sewer, those portions shall not proceed with Final Plat until gravity flow sanitary sewer is available, or the City approves the use of a private lift station.

Mr. Staver moved to deny Design Modification #03-02 by Stonehedge Land Development LLC with staff-recommended findings. Ms. Peterson seconded the motion. The motion carried 8-0.

 Amendment to General Development Plan #190 known as Harvestview AND Harvestview Special District #02-07. The major change includes one additional floor of residential units in the mixed use building in the Town Center portion of the property. The overall plan is a mixed use development on approximately 17.09 acres of land. The property is located along the north side of 55<sup>th</sup> Street NW and along the west side of 50<sup>th</sup> Avenue NW.

Ms. Mitzi A. Baker presented the staff report, dated March 6, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Andy Masterpole, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant was in agreement with the staff-recommended conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Amendment to General Development Plan #190 with the staff-recommended findings and conditions. Ms. Petersson seconded the motion. The motion carried 8-0.

**CONDITIONS:**

1. The applicant shall amend the existing Development Agreement with the City of Rochester to address the change in purposed use from single-family low density residential to a mixed use of commercial, multi-family residential and low density residential.
2. Prior to or concurrent with final platting, ownership and maintenance of the area shown as the "town square" shall be address.
3. When the property is platted controlled access will be required along the entire frontage of 55<sup>th</sup> St NW, and 50<sup>th</sup> Ave NW, with the exception of any approved street accesses, and/or private drive accesses approved through the GDP process.
4. Pedestrian facilities will be required along both sides of all new public roads within this property, as well as, a bituminous path along the entire frontage of 55<sup>th</sup> St NW, and the easterly frontage of 50<sup>th</sup> Ave NW. The Owner's obligations regarding the required pedestrian paths are addressed in the existing Development Agreement.
5. The development causes the need for parkland and that the parkland dedication requirements for this development will be met via the deferred land dedication to occur west of Harvestview with dedication to occur when the future park site is accessed via a public street or the park department wishes to begin development of the site.
6. At the time of platting roadway names will need to be approved by the GIS Addressing Staff.

Mr. Haeussinger moved to recommend approval of Harvestview Special District #02-07 with staff-recommended findings. Ms. Petersson seconded the motion. The motion carried 8-0.

**OTHER BUSINESS:**

1. Initiate Text Amendment for Fee Schedule

Mr. Wheeler asked that the Commission initiate a text amendment to amend Section 60.175 regarding fees. He explained that recent changes in state law require that the fees be approved by Ordinance.

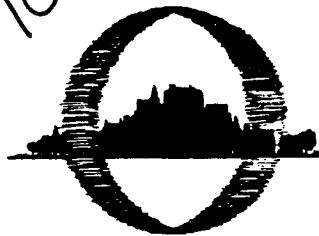
Ms. Petersson moved to initiate a text amendment to Section 60.175 regarding fees. Mr. Staver seconded the motion. The motion carried 8-0.

99

DATE: 4-7-03

<b>AGENDA SECTION:</b> PUBLIC HEARINGS	<b>ORIGINATING DEPT:</b> PLANNING	<b>ITEM NO.</b> E-2
<b>ITEM DESCRIPTION:</b> Amendment to the Harvestview Special District Ordinance and Re-zoning.		<b>PREPARED BY:</b> Brent Svenby, Planner
March 31, 2003		
<b><u>City Planning and Zoning Commission Recommendation:</u></b>  The City Planning and Zoning Commission held a public hearing on this item on March 12, 2003. Mr. Haeussinger moved to recommend approval of the amendments to the Harvestview Special District with staff-recommended findings. Ms. Petersson seconded the motion. The motion carried 8-0.		
<b><u>Council Action Needed:</u></b>		
<i>If the Council wishes to proceed with the amendment to the Special District, it should instruct the City Attorney to prepare the Ordinance accomplishing the rezoning to the Special District designation.</i>		
<b><u>Attachments:</u></b>  1. Staff Report dated March 6, 2003 2. Minutes of the March 12, 2003 CPZC Meeting ( <u>attached to the GDP RCA</u> )		
<b><u>Distribution:</u></b>  1. City Clerk 1. City Administrator 2. City Attorney 3. Planning Department File 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 7, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE. 6. McGhie & Betts, Inc.		
<b>COUNCIL ACTION:</b> Motion By: _____ Seconded By: _____ Action: _____		

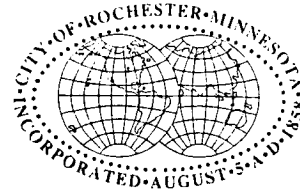
100



# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



**TO: City Planning and Zoning Commission**

**FROM: Brent Svenby, Planner**

**DATE: March 6, 2003**

**RE: Proposed Amendment to the Harvestview Special District (SD-12).**

## **Background and Summary:**

In order to permit a more flexible means of new land development and redevelopment, the Rochester Zoning Ordinance and Land Development Manual includes regulations necessary to permit the creation of special districts. These regulations are found within Section 62.900 of the Land Development Manual and are attached for your information. Section 60.327 identifies existing special districts and will be amended as part of this application to include the Harvestview Special District.

The applicant is proposing an amendment to the approved Harvestview Special District adding additional residential units to the area identified as the Town Center. An amendment to the GDP is being considered concurrent with, and as part of this Special District application.

In 2002, the applicant received approval to establish the Harvestview Special District and re-zone approximately 17 acres of land north of 55<sup>th</sup> Street NW and west of 50<sup>th</sup> Avenue NW to the Special District.

In general, the Special District and GDP propose to develop the property different from what is typically permitted and to allow for setbacks that differ from the R-1 standards. The Special District also allows for a mixture of land uses consisting of the retail and residential dwellings. The Plan has also been designed to work with, and take advantage of, the natural topography of the site.

The approved Ordinance for the Harvestview Special District included four Exhibits (A-D). Of these, Exhibit A is proposed to be amended with this current petition. Exhibit A is a copy of the General Development Plan. One exhibit would be added, Exhibit E, which identifies architectural elevation and plans for the Town Center.

The Ordinance (#3520) provides findings for the adoption of the Special District and includes the purpose and intent of the District.



### **Summary of Proposed Amendment to the Harvestview Special District Ordinance:**

The applicant is proposing to amend the Ordinance #3520, for the Harvestview Special District, to include additional residential units. The proposed amendment changes the residential units from apartment units to condominium units. The initial approval had approximately 22,000 square feet of retail space with the possibility of additional 22,000 square feet of retail space. The proposed amendment now has approximately 26,000 square feet of commercial space and a total of 79 condo units.

The town square area was originally going to be flat but with the change in design of the buildings it will now be gradually sloping. Street trees were originally going to be planted at 30 foot intervals but are now proposed to be at 35 foot intervals or 40 foot intervals. Also the developer now has the right to amend the quantity and location of the trees.

The last major proposed change is a section added under the Lot Development Standards found in section 64M.260. A section on building height has been added to place a limit on the height of the buildings in the town center district.

The Harvestview Special District is attached for your information. The strikethrough language is language which would be deleted while the language in **bold** is the proposed language to be added.

Attached is a copy of Exhibits A and E of the Harvestview Special District that identify the standards that will be specific to the Special District with this amendment.

### **Action Needed:**

The Planning Commission will need to hold a public hearing to consider the amendment of this Special District and will need to make a recommendation to the City Council. An amendment to the Harvestview General Development Plan is being considered concurrent with and as part of this Special District application. The Commission could consider these two items simultaneously. Separate action should be taken on the two applications, however.

Following the Planning Commission public hearing and recommendation to the City Council, public hearings will be scheduled with the City Council for consideration of the Special District and the General Development Plan.

### **Findings:**

The following findings are recommended, for the adoption of amendment to Ordinance #3520, the Harvestview Special District. These are the findings that were adopted when Ordinance #3520 was approved in 2002.

In the desire to encourage the attractive and innovative development of this area, the Council hereby creates a special zoning district as provided for in Chapter 62.900 of the Zoning Code to be known as the Harvestview Special District. This determination is based upon the following findings consistent with this section:

- 1) This Special District is established to foster the development of a comprehensively planned, pedestrian-oriented neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design in creating buildings and open spaces. The Site's unique location, adjacent to the Douglas Trail and at the intersection of two major streets, makes this an ideal place to create a district that avoids the negative impacts of suburban sprawl with an efficient, mixed-use land plan.
- 2) The location of Harvestview fits within the City's future growth boundary. Harvestview is located at the intersection of 50<sup>th</sup> Avenue NW (arterial) and 55<sup>th</sup> Street NW (collector). These streets are currently being upgraded to handle a greater capacity and a future signal is planned. Every street will have a 10' wide bicycle/pedestrian trails adjacent to them. The Douglas Trail is also adjacent to the development and is located along its north boundary.
- 3) A mix of uses within the development creates opportunities for people to walk and interact. That combined with strong urban and landscape design creates a sense of place. The small size of Harvestview ensures that all destinations are all within an easy walk and that the development functions as a mixed-use neighborhood.
- 4) A range of housing types serves people with different income levels and housing needs while contributing to the vitality of the streetscape.
- 5) Harvestview provides open space and connections to open space to meet the physical and emotional needs of residents and residents of nearby neighborhoods. The storm water pond and the drainage swale are incorporated as amenities and an integral part of the development.
- 6) Harvestview uses landscaping to accentuate the natural and build environment, establish visual connectivity and community identity and provides environmental and public health benefits.
- 7) Harvestview balances the mobility, safety and other needs of pedestrian bicyclists and vehicular traffic.
- 8) The quantity, location and design of parking in Harvestview reinforces the pedestrian-friendly nature of the community and encourages use of alternative modes of transportation while still accommodating vehicular traffic. The higher density is supportive of mass transit.
- 9) Building design and massing in Harvestview achieves a graceful mix of uses and housing types, ensures privacy and safety and contributes to the long-term desirability of the community.

## 62.900 SPECIAL DISTRICTS

In order to permit a more flexible means of new land development and redevelopment, the City of Rochester finds that regulations are necessary to permit the creation of special districts. Such regulations shall promote the public health, safety and general welfare and shall be substantially in accord with and promote the purposes and policies of the Comprehensive Plan.

**62.901 Purposes:** The further specific purposes and conditions supporting the establishment of a special district are:

- 1) The existence of a special and substantial public interest in protecting the existing or proposed character of an area or unique geological, ecological, archeological or social characteristics of an area; or
- 2) The existence of a special and substantial public interest in protecting areas surrounding an individual building, group of buildings or man-made features and their environs; or
- 3) The need to establish modifications to or to supplement existing zoning regulations to accomplish a special public purpose.

**62.902 Effect:** The effect of a special district designation shall be as an overlay district. The regulations established in special district legislation shall supersede the regulations of the underlying zoning district. To the extent they are not inconsistent with the special district regulations, the underlying zoning district requirements shall remain in effect.

**62.903 Submission Criteria:** The petition for establishment of a Special District shall be accompanied by two (2) copies of the proposed ordinance language, a summary of the intent and effect of the proposed modification, and a map indicating the boundary of the district and the boundary of the underlying zoning districts. An application fee as required in Paragraph 60.175 shall accompany the petition.

**62.904 Procedure:** An application for a Special District shall be processed under the Type III Review Procedure, with a Phase II Hearing Process utilized.

**62.905 Notifications:** Notifications for Comprehensive Special Districts shall be sent to all owners within the area proposed for rezoning and all owners owning land wholly or partially within 350 feet of the exterior boundaries of the area proposed for rezoning. For Single Purpose Special Districts, notifications shall be sent to all owners of land within the defined area of the proposed Single Purpose Special District.

**62.906** The ordinance establishing a particular Special District shall contain a statement of intent setting forth the nature of the special and substantial public interest involved and the objectives to be promoted by special regulations or procedures within the district.

60.327 **SD Special Districts:** Existing Special Districts approved by Ordinance numbers 3443, 3404, 2726, 2516, 2247, 3385, 3468, 3497, 3503, and 3520 are recognized as separate zoning districts and the plans and procedures established for each Special District will continue in force. When a Special District Ordinance does not specify the procedure or criteria to amend an approved site/development plan, the proposed amendment will be reviewed under Section 61.148. When a Special District requires a specific site/development plan review process, but does not specify the criteria by which to review the site/development plan, the development will be reviewed under Section 61.148. When a Special District Ordinance requires a two phase review, the development will be reviewed under Section 61.146 and either Section 62.708 (1) (for preliminary plans) or Section 62.708 (2) (for final plans).

105

ORDINANCE NO. 3520

AN ORDINANCE CREATING AND ENACTING CHAPTER 64(), AND AMENDING AND REENACTING SECTION 60.327 OF THE ROCHESTER CODE OF ORDINANCES, RELATING TO THE ESTABLISHMENT OF THE PRAIRIE CROSSING SPECIAL DISTRICT.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 64M of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

**64M. HARVESTVIEW SPECIAL DISTRICT**

64M.050. The purpose of this Special District is to provide for zoning regulations that will be administrated in the Harvestview Special District, as required in Section 62.900 of the Rochester Code of Ordinances (City of Rochester Zoning Ordinance and Land Development Manual). The following are the goals, objectives and special regulations of the Harvestview Special District.

**64M.100 BOUNDARIES OF THE LAND.**

This ordinance shall apply to the following described property located within the City of Rochester, County of Olmsted, State of Minnesota:

That part of the East Half of the Southeast Quarter of the Southeast Quarter of Section 7, Township 107 North, Range 14 West, Olmsted County, Minnesota which lies southerly of the southerly line of the Douglas Trail (formerly the Wisconsin, Minnesota & Pacific Railroad Company right of way).

Containing 17.09 acres more or less.

**64M.200. LEGISLATIVE INTENT AND FINDINGS.**

Subdivision. 1. Performance Goal: Harvestview provides a compelling alternative to single-use zones that offers a dramatically different mixed-use and environmentally, socially, economically, and aesthetically advanced development design.

Subd. 2. This Special District is established to foster the development of a comprehensively planned, pedestrian-oriented neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design in creating buildings and open spaces. The sites unique

156  
location, adjacent to the Douglas Trail and at the intersection of two major streets, makes this an ideal place to create a district that avoids the negative impacts of suburban sprawl with an efficient, mixed-use land plan.

This type of development is consistent with the goals and policies of the City's Land Use Plan, which encourages locating mixed-use, and higher density residential uses at the intersections of major streets.

64M.210. ESTABLISHMENT OF HARVESTVIEW SPECIAL DISTRICT.

Subdivision 1. Pursuant to Section 62.900 of the Rochester Code of Ordinances, the Rochester Common Council hereby creates a special zoning district to be known as the Harvestview Special District ("Special District"). The Special District shall be an overlay-zoning district designed to encourage the attractive and innovative development of the Site. As a part of this Special District, the property will be divided into two different districts (see Exhibit B). The regulations and guidelines set forth in this Special District shall prevail over the regulations of the noted underlying zoning district.

Subd. 2. The determination of the need for the creation of this Special District is based upon the following findings:

- A. This Special District is established to foster the development of a comprehensively planned, pedestrian-oriented neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design in creating buildings and open spaces. The Site's unique location, adjacent to the Douglas Trail and at the intersection of two major streets, makes this an ideal place to create a district that avoids the negative impacts of suburban sprawl with an efficient, mixed-use land plan.
- B. The location of Harvestview fits within the City's future growth boundary. Harvestview is located at the intersection of 50<sup>th</sup> Avenue NW (arterial) and 55<sup>th</sup> Street NW (collector). These streets are currently being upgraded to handle a greater capacity and a future signal is planned and will have a 10' wide bicycle/pedestrian trails adjacent to them. The Douglas Trail is also adjacent to the development and is located along its north boundary.
- C. A mix of uses within the development creates opportunities for people to walk and interact. That combined with strong urban and landscape design creates a sense of place. The small size of Harvestview ensures that all destinations are within an easy walk and that the development functions as a mixed-use neighborhood.
- D. A range of housing types serves people with different income levels and housing needs while contributing to the vitality of the streetscape.

167

- E. Harvestview provides open space and connections to open space to meet the physical and emotional needs of residents and residents of nearby neighborhoods. The storm water pond and the drainage swale are incorporated as amenities and an integral part of the development.
- F. Harvestview uses landscaping to accentuate the natural and build environment, establish visual connectivity and community identity and provides environmental and public health benefits.
- G. Harvestview balances the mobility, safety and other needs of pedestrian bicyclists and vehicular traffic.
- H. The quantity, location and design of parking in Harvestview reinforces the pedestrian-friendly nature of the community and encourages use of alternative modes of transportation while still accommodating vehicular traffic. The higher density is supportive of mass transit.
- I. Building design and massing in Harvestview achieves a graceful mix of uses and housing types, ensures privacy and safety and contributes to the long-term desirability of the community.

64M.220. **USES PERMITTED**

- A. Performance Goal: Harvestview provides for the daily needs of residents and contributes to housing stock diversity.
- B. Objective: A variety of land uses provide for daily shopping, recreation, and other needs of residents.
- C. The General Development Plan is meant to serve as a guide plan for the development of the district. Variations from the maximum residential densities, and proposed uses shall not be allowed without first amending the General Development Plan and this Special District Ordinance. The following uses shall be permitted:
  - 1. Residential District: Residential uses shall include rowhouse style townhomes (rear loaded, tuck-under garage and slab on grade).
  - 2. Town Center District: Permitted uses and appearance control standards shall comply with Section 62.310 for the B-1 Zoning District, unless regulated in this Special District.
    - (a) Residential uses – ~~apartments~~ **Condos** above (and possibly below) retail. Multi-unit ~~apartment~~ (condo buildings with underground parking).

- (b) Temporary uses – art fairs, farmer’s market, flea markets, neighborhood gatherings.
- 3. Additional uses allowed in the Town Center District shall be membership services and drinking and entertainment.
- 4. Convenience retail (without fuel sales), restaurants, retail trade, drinking and entertainment shall be exempt from the hours of operation requirements of the B-1 Zoning District.
- 5. The following uses will be prohibited:
  - (a) Manufactured home park
  - (b) Sales & storage lots
  - (c) Parking facility (as a principle use)
  - (d) Sand or gravel excavation
  - (e) Convenience retail (with gasoline sale)
  - (f) Auto Center
  - (g) Auto Maintenance Services
  - (h) Car Washes
  - (i) Trade Shops
  - (j) Use of Storage Containers

## 64M.230. GENERAL DEVELOPMENT STANDARDS

### A. PARKS/OPEN SPACE

- 1. Performance Goal: Harvestview provides open space to meet the recreational and emotional needs of residents and reinforces the design of the development.
- 2. Objective: The town square and open space amenities within the development and connections to open space serves a range of interests, which suits the population of a mixed-use neighborhood.
- 3. The town square will be a ~~flat~~ **gradually sloping**, open area intended for recreational use and social interaction. A neighborhood **terraced area** ~~pavilion~~ would act as a focal point and would include special paving, benches and shrub and perennial beds. The square would be privately owned and

maintained by the neighborhood association, but would be publicly accessible.

## B. LANDSCAPING

1. Performance Goal: Harvestview uses landscaping to accentuate the natural and build environment, establish visual connectivity and community identity and provides environmental and public health benefits.
2. Objective: Landscaping accentuates the appearances and improves the function of the public realm, including streets and open spaces.
3. Street trees of a ~~minimum of 2-1/2" cal.~~ are **indicated** required at approximate ~~30-35-foot~~ intervals in all grass boulevard areas of public streets in the residential district. The developer ~~shall be responsible for the planting of the trees.~~ **reserves the right to amend the quantity and location of the trees with approval from the City Park and Recreation Department.**
4. Town Center District: Street trees are required along **the south side of the mixed-use building at a minimum spacing of 40 foot on center** ~~all public streets at an approximate of 30-foot intervals.~~ These trees shall be planted in tree grates or planting beds with a minimum size of 30 square feet and a minimum dimension of 5'-0".
5. Objective: Landscaping accentuates and reinforces the built environment.
6. Plantings in immediate proximity to buildings in front, side and rear yards shall respect architectural features and lines.
7. Objective: Landscaping provides visual connection and community identity.
8. Landscaping should be used both to soften the "hardness" of the urban area for the pedestrian and make the pedestrian feel more comfortable by providing shade, reducing glare and helping to form public space, "outdoor rooms" and street corridor edges. Such formality of landscaping adds dignity to the Harvestview neighborhood.
9. Objective: Landscaping reduces visual blight and noise.

~~10. Dumpsters amongst multiple commercial tenants and multiple residential units will be required to be grouped into common refuse and recycling areas.~~

11. These facilities for refuse disposal and recycling shall be enclosed by solid fence or walls, and landscaping shall be installed around the perimeter **(except in underground parking)**. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.

### C. ACCESS AND CIRCULATION

1. Performance Goal: Harvestview balances the mobility, safety and other needs of pedestrian, bicyclists and vehicular traffic.
2. Objective: Pedestrian walkways, bicycle trails and other amenities enhance the possibility and desirability of walking and bicycling.
3. Pedestrian ways shall be continuous, direct and convenient. They shall also be secure, well lighted and have good visibility. All sidewalks shall be **minimum 4'-0" 5'-0"** in width (except for town center district) when located with the right-of-way. Town Center District sidewalks at least **eight** ~~ten~~ feet in width (including planting areas) shall be provided the entire length of property fronting the right of way.
4. On-street parking shall be provided whenever feasible, which provides a buffer for pedestrians and convenient short-term parking.
5. Objective: A streetscape interesting to pedestrians encourages more people to walk.
6. Buildings shall be placed close to the street or pedestrian access ways with primary access directed toward the street or pedestrian access with a variation in setback determined by type of access.
7. Building facades shall be articulated and contain detail to provide visual interest. Building mass will be broken up by using design detail, landscaping and public spaces.
8. In the Town Center District:
  - (a) Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of

111

way and in courtyards provided that pedestrian circulation and access to store entrances are not impaired.

- (b) Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right-of-way
- (c) Buildings shall be oriented to face the street with entrances and display windows at the street level.

9. Below is a summary of street layouts for the Harvestview development (as indicated on Exhibits C & D, Harvestview Special District) that deviate from the City of Rochester's standards.

- o Harvestview Drive NW – 56' ROW, Parking One-Side – 32' Road (face to face typical)
- o 56<sup>th</sup> Street NW – 50 ROW, Parking One-Side – 28' Road (face to face typical)
- o 51<sup>st</sup> Avenue NW (~~north end~~) – 38 ROW, One-Way Road, 21' 22' (face to face), parking one side
- o ~~51<sup>st</sup> Avenue NW (south end) – 50' ROW, Parking One-Side – 28' road (face to face)~~

#### D. PARKING

1. Performance Goal: The quantity, location and design of parking in Harvestview reinforces the pedestrian-friendly nature of the community and encourages use of alternative modes of transportation while still accommodating vehicular traffic.
2. Objective: The quantity of parking spaces is sufficient to support demand but reflects opportunities for reducing automobile trips due to development design and/or availability of alternative modes of transportation and opportunities for shared parking.
3. Parking requirements for the Town Center District, (mixed-use-retail and office) shall be **four** ~~three~~ spaces per 1000 square foot of gross leasable area.

- 112
4. In commercial or office uses, which have shop fronts adjacent to sidewalks and streets, on-street parking directly in front of the lot shall count toward fulfilling the parking requirement.
  5. Residential Districts: On-street parking shall count toward the "spill-over" parking requirement.

64M.250. **ARCHITECTURAL STANDARDS**

A. Performance Goal: Building design and massing in Harvestview achieves a graceful mix of uses and housing types, ensures privacy and safety and contributes to the long-term desirability of the community.

1. Architectural compatibility.

(a) All Districts:

- (1) A building must incorporate architectural styles, building materials and colors used in surrounding buildings.

~~(2) A building greater than one story should clearly delineate the boundary between each floor of the structure through belt courses, cornice lines or similar architectural detailing.~~

(b) Town Center District:

- (1) Site appearance standards shall follow the guidelines of this Chapter. The B-1 General Zoning District Standards, Sec. 62.311 shall apply if not noted in this Chapter.

~~(2) Attached buildings within the same block must vary the cornice lines of the buildings of the same height.~~

2. Human Scale Design.

(a) All Districts:

- (1) Doorways, windows and other openings in the façade of a building should be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.

- (2) A building shall avoid long, monotonous-uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 400 feet.

~~3. Integration of uses.~~

~~(a) Residential Districts:~~

- ~~(1) The finished floor elevation of all townhomes and multi-family units shall be a minimum 18" above sidewalk elevation to insure privacy for the occupants of the dwelling.~~

4. Encouragement of pedestrian activity in Town Center District:

- (a) Awnings, covered walkways, open colonnades, or similar weather protection must be provided by 50% of the commercial uses or tenants that front the right-of-way.
- (b) A commercial use must provide a minimum 50% of the front façade on the ground floor as clear or lightly tinted windows, doors, or other treatments sufficiently transparent to provide views into the interior of the building.
- (c) Locate mechanical equipment and service areas out of public view.
  - (1) Backflow prevention/anti-siphon valves must be integrated into the building design and concealed from public view. Such devices may not be located within the right-of-way on primary pedestrian streets.
  - (2) All other mechanical equipment must be located behind or on top of the building and screened from public view with parapet walls, landscaping, etc.

5. Exterior finish materials:

- (a) Buildings should emphasize durable, attractive, and well-detailed finish materials, including:
  - (1) Brick.

- 114
- (2) Concrete (if it features architecturally treated texture or color, other refined detailing, and/or complementary materials).
  - (3) Cast stone, natural stone, tile.
  - (4) Stucco and stucco-like panels. If they feature an even surface and properly trimmed joints and edging around doors and windows. Heavily textured finished with obvious trowel marks are not generally appropriate. Stucco should be avoided in areas that are susceptible to vandalism and graffiti. Stucco and stucco-like panels must be detailed and finished to avoid water staining and envelope failure. Overhangs and protective trim are encouraged to increase weather resistance.
  - (5) Art tile or other decorative wall details.
  - (6) Wood, especially appropriate for residential structures.
- (b) The materials listed below are discouraged and should only be used if they complement the building's architectural character and are architecturally treated for a specific reason that supports the building and streetscape character.

- (1) Masonry units. If concrete blocks (concrete, masonry units or "cinder blocks") are used for walls that are visible from a public street or park, then the concrete or concrete block construction should be architecturally treated in one or more of the following ways:
  - (aa) Use of textured blocks with surfaces such as split face or grooved.
  - (bb) Use of colored mortar.
  - (cc) Use of other masonry types, such as brick, glass block, or tile, in conjunction with concrete blocks.
  - (dd) Treated to avoid the gray "weeping" effect of wet concrete masonry.

115

- (ee) Provided with substantial wood or metal trellis and maintained vine planting such as engleman ivy or other non-pest vine.
- (2) Metal siding. If metal siding is used as a siding material over more than 25% of a building's façade, the metal siding should have a matted finish in a neutral or earth tone, such as a buff, gray, beige, tan, cream, white, or a dulled color such as barn red, blue-gray, burgundy, or other. If metal siding is used over 25% of the building façade, then the building design should include visible window and door trim painted or finished in a complimentary color and corner and edge trim that covers exposed edges of the sheet metal panels. This guideline would apply to both the north and south building facades.
- (3) Wood siding and shingles except on upper stories or on smaller-scale residential projects.
- (4) Vinyl siding.
- (5) Sprayed-on finish with large aggregate.
- (6) Mirrored glass. This is especially inappropriate when glare could be a potential problem.
- (c) Where anodized metal is used for window and door trim, then care should be given to the proportion and break-up of glazing to reinforce the building concept and proportions.
- (d) Fencing adjacent to the sidewalk should be sited and designed in an attractive and pedestrian oriented manner.
- (e) Awnings made of translucent materials may be backlit, but should not overpower neighboring light schemes. Lights, which direct light downward, mounted from the awning frame are acceptable. Lights that shine from the exterior down on the awning are acceptable.
- (f) Light standards should be compatible with other site design and building elements.

B. Signs and Lighting

116

1. Performance Goal: To protect the visual character of design building with careful consideration for the incorporation of signage and lighting of Harvestview.
2. Objective: Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building, or provide unique identity for a commercial space within a larger mixed-use structure. Design signage that is appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types are encouraged:
  - (a) Pedestrian-oriented blade and window signs.
  - (b) Marquee signs and signs on over-head weather protection.
  - (c) Appropriately sized neon signs.
3. Town Center District:
  - (a) All signs shall comply with the Section 62-300, B-1 site appearance standards and Section 63.220 (sign type B) with the following exceptions:
    - (1) Free standing sign – maximum height 15 feet.
    - (2) Projecting sign – maximum area – 20 square feet. maximum height – 12 feet
    - (3) Graphics sign – maximum area of 10% of wall.
    - (4) Auxiliary sign – maximum height – 6 feet.
    - (5) Advertising signs (billboards) will be prohibited.
  - (b) All wall signage should be uniform in size.
4. Objective: Exterior site lighting should be used to accentuate the building design and the overall ambiance of Harvestview.
  - (a) Highlight architectural details and features with lighting integrated into the building design.
  - (b) Façade lighting should provide for a sense of vibrancy and safety without resulting in excessive light and glare.

- (c) All exterior lighting shall comply with the standards for exterior lighting in a B-1 Zoning District per Section 63.210, unless otherwise noted in this Chapter.
- 5. "Dark Sky" lighting fixtures should be encouraged in the public streets and parking lots. Lights will be required to have sharp cutoff style fixtures.

#### 64M.250 LOT DEVELOPMENT STANDARDS

- A. Performance Goal: Lot development standards in Harvestview contribute to the development of a continuous streetscape and pedestrian atmosphere.
  - 1. Objective: Front, side, and rear setbacks in residential and commercial areas create an inviting, diverse, and safe pedestrian atmosphere.
  - 2. Residential District:
    - (a) Setback standards are indicated on Exhibit "B" – Land Use and Residential setback plan.
  - 3. Town Center District.
    - (a) Front setbacks from 55<sup>th</sup> Street NW shall be a minimum 30' – 0" to building face.
    - (b) Side setbacks from 50<sup>th</sup> Avenue NW shall be a minimum 29' – 0" 15' – 0".
    - ~~(c) Side setbacks from 51<sup>st</sup> Avenue NW shall be 12' – 0".~~
  - 4. Building Height (Town Center District)
    - (a) Building height of main building on south (facing in 55<sup>th</sup> Street NW) shall be maximum 35'-0" (as measured to mid roofline).
    - (b) Building height on north (facing Town Square) shall be maximum 45'-0".
    - (c) Building height of main building corners (east and west ends) shall be maximum 47'-0" on south and maximum 57'-0" on north side.

118

64M.260. **UNDERLYING DEVELOPMENT STANDARDS**

1. Except where otherwise specified, standards for the development of this district will be based on the following:
  - (a) Residential District – Section 62.240 R-3 medium density residential district.
  - (b) Town Center District – Section 62.300 B-1 Restricted Commercial District.

64M.300. **BOUNDARIES**

The regulations established herein shall apply to the land described in Section 64.100 and shall be designated "SD" on the zoning map.

64M.400 **EXHIBITS "SD \_12\_"**

The following documents shall be submitted with the Special District application and included as exhibits of this Ordinance:

- A. Harvestview General Development Plan, Exhibit A.
- B. Land Use and Residential Setback Plan, Exhibit B.
- C. Townhomes, Architectural Plans and ~~Town Center Building~~ Prototype, Exhibit C.
- D. Roadway Standards and Sections, Exhibit D.
- E. **Town Center architectural elevation and plans, Exhibit E.**

64M.500 **GENERAL DEVELOPMENT PLAN AND GUIDE FOR DEVELOPMENT**

The Harvestview General Development Plan, following Special District approval and a rezoning of the area to Special District, together with the attached Exhibits A, B, C, D & E are, in combination, recognized as the guide for the development of the Special District.

64M.600 **EFFECTS OF REGULATIONS**

The General Development Plan and Final Plats together with the conditions and restrictions imposed, if any, shall govern the use and development of the land.

64M.700 **EXTENSION OF SPECIAL DISTRICT**

The Special District may be extended by amendment to include the property on the west side. An amendment to the Special District may be initiated by the owner of contiguous undeveloped property or by the City of Rochester. The amendment must support the intent of this Special District. A petition to extend said district shall be accompanied by a General Development Plan application and additional submittals consistent with this Chapter.

#### 64M.800 DEVELOPMENT PROCEDURES

Subdivision 1. Except as herein described, development procedures for property within the Special District shall be consistent with the requirements of the Rochester Code of Ordinances. Additional plans and information shall be submitted, as necessary, for development within the Special District, as outlined below. If determined necessary by the Zoning Administrator, additional plans or information necessary to development approvals shall also be submitted.

Subd. 2. General Development Plan. A General Development Plan application shall include plans and information consistent with the Rochester Code of Ordinances. It shall also include:

- A. Submission of "Harvestview" Special District Ordinance.
- B. Submission of documents, which outlines variations from roadway standards, with the intent of creating village-scale mixed-use development, "built-in" traffic calming.
- C. Submission of documents including preliminary architectural plans of townhomes, and **buildings** ~~Town Center building concept plan.~~

Subd. 3. Final Plat Application. Final plat applications within the Special District shall include plans and information consistent with the requirements of the Rochester Code of Ordinances and shall be submitted at least three weeks prior to the City Council meeting at which they will be considered. The following additional materials shall be submitted with the final plat application:

- A. Documents providing for the long term ownership, maintenance and care of any common lands, open spaces, and/or private infrastructure that will not be publicly owned.
- B. Additional information requested by the Zoning Administrator in order to gain sufficient information to judge the nature and propriety of the proposal.

Subd. 4. Zoning Certificate and Building Permit. Applications for building permits and zoning certificates within the Special District shall include submission of a Harvestview Architectural Review Committee document. This document must verify a review of siting

120  
and plans for compliance with this Special District's intent, as outlined in the covenants submitted with the final plat.

64M.900      RESCINDING APPROVAL.

After six (6) years from the date of approval of the Special District, the Council may, following a public hearing, rescind approval of this Special District upon finding that no progress has been made in the construction of the development.

Section 2. Section 60.327 of the Rochester Code of Ordinance is amended and reenacted to read as follows:

**60.237SD SPECIAL DISTRICTS:** Existing Special Districts approved by Ordinance numbers 3443, 3404, 2726, 2516, 2247, 3385, 3462 and 3468 are recognized as separate zoning districts and the plans and procedures established for each Special District will continue in force. When a Special District Ordinance does not specify the procedure or criteria to amend an approved site development plan, the proposed amendment will be reviewed under Section 64.148. When a Special District Ordinance requires a two-phase review, the development will be reviewed under Section 61.146 and either Section 62.708 (1) (for preliminary plans) or Section 62.708 (2) (for final plans).

Section 3. This Ordinance shall become effective on and after the date of its Publication.

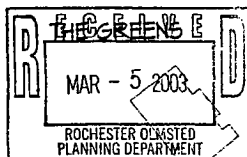
WEDGEWOOD HILLS

HOLY SPIRIT CHURCH

6'87.0' X 1078.9'

1091.3'

REVISED



RPU SUBSTATION

1048.9'

NO.	DATE	BY	CHKD.
1	10/1/03	W. H. McGhie, Jr.	W. H. McGhie, Jr.
2	10/1/03	W. H. McGhie, Jr.	W. H. McGhie, Jr.

McGhie  
Consulting Engineers

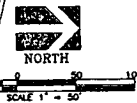


Betts, Inc.  
Land Surveyors

McGhie & Betts, Inc.  
700 COUNTY ROAD 8 NW  
ST. LOUIS, MISSOURI 63105  
TEL NO. 1044/5542  
FAX NO. 1044/5542  
E-MAIL: info@mcghebetts.com  
WEB: www.mcghebetts.com

**HARVESTVIEW**  
AMENDED GENRAL DEVELOPMENT PLAN  
ROCHESTER

MINNESOTA  
EXHIBIT  
A



STORM POND

HARVESTVIEW DRIVE

HARVESTVIEW LAKE

DOUGLAS TRAIL

FUTURE DOUGLAS TRAIL OVERPASS

BIKE TRAIL

50th AVE. NW

50th AVE. NW

51st AVE. NW

55th STREET NW

55th STREET NW

FUTURE OFFICE SERVICE

FUTURE OFFICE SERVICE

FUTURE TOWN HOUSES

CONDOMINIUM BUILDINGS

UNDERGROUND PARKING

TOWN SQUARE

BUS STOP

CONDOMINIUM BUILDINGS

UNDERGROUND PARKING

UNDERGROUND PARKING

MOVED BUILDINGS

USE BUILDINGS

UNDERGROUND PARKING

MOVED BUILDINGS

UNDERGROUND PARKING

USE BUILDINGS

UNDERGROUND PARKING

MOVED BUILDINGS

UNDERGROUND PARKING

USE BUILDINGS

UNDERGROUND PARKING

MOVED BUILDINGS

UNDERGROUND PARKING

USE BUILDINGS

UNDERGROUND PARKING

MOVED BUILDINGS

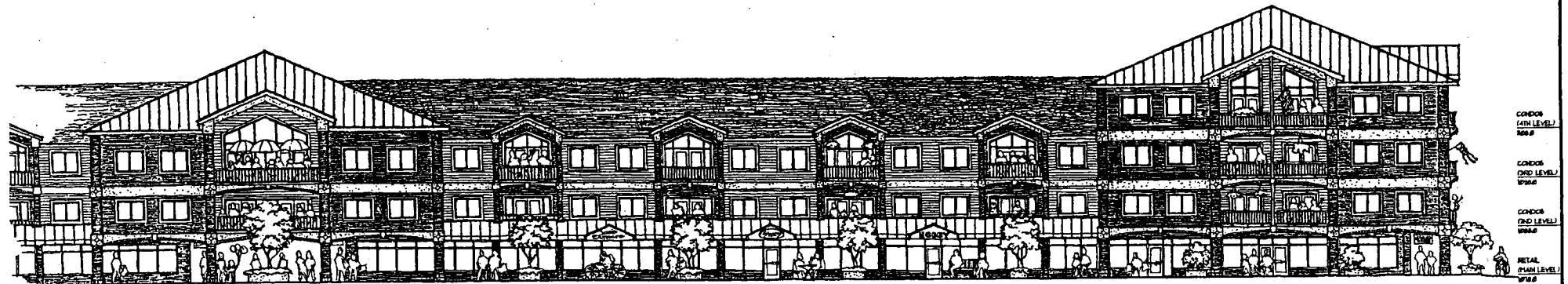
UNDERGROUND PARKING

122



**SOUTH ELEVATION (WEST SIDE)**

SCALE: 1/8"=1'-0"



**SOUTH ELEVATION (EAST SIDE)**

SCALE: 1/8"=1'-0"



CONDO  
14TH LEVEL  
1998.8

CONDO  
13TH LEVEL  
1998.8

CONDO  
12TH LEVEL  
1998.8

RETAIL  
11TH LEVEL  
1998.8

PARKING  
10TH LEVEL  
1998.8



**FULL SOUTH ELEVATION**

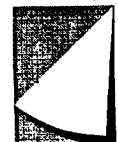
Exhibit E

## HARVESTVIEW TOWN CENTER

55TH ST. NW & 50TH AVE. NW

ROCHESTER, MINNESOTA

2-10-03



KANE AND JOHNSON ARCHITECTS, INC.  
ROCHESTER, MINNESOTA • ST. PAUL, MINNESOTA • KANSAS CITY, KANSAS

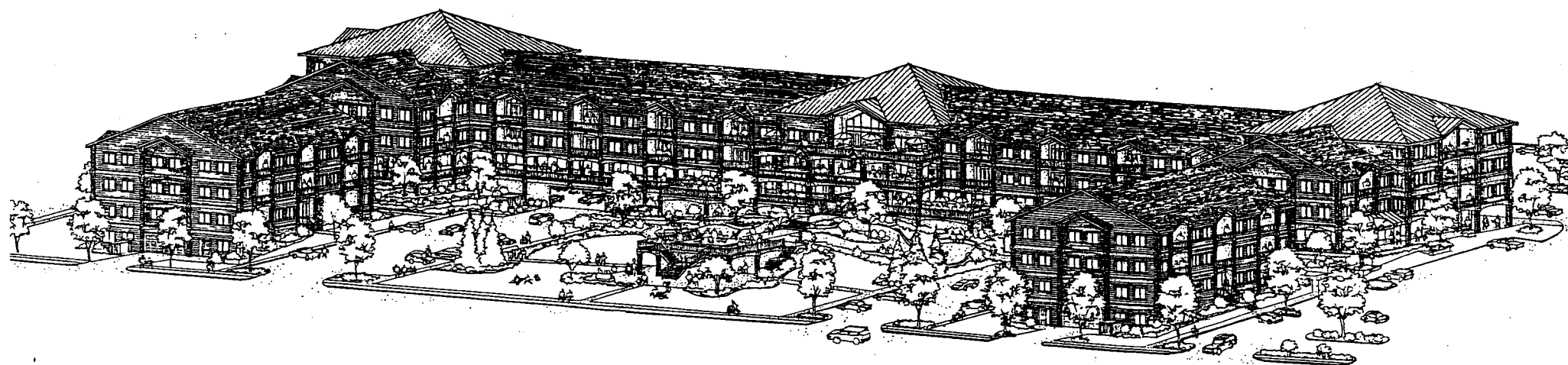
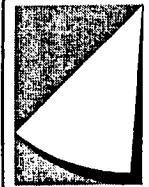


Exhibit E

124

**EAST WING (10')**  
**CONDO PARKING:**  
 FIRST FLOOR - 4 UNITS  
 SECOND FLOOR - 4 UNITS  
 THIRD FLOOR - 4 UNITS  
 (A) 1 BR = 1 SPACE + 4  
 (B) 2 BR = 1.5 SPACES + 8  
 (C) 3 BR = 2 SPACES + 4  
**TOTAL REQUIRED = 11 SPACES**  
**AVAILABLE = 16 SPACES**  
 ONE 1 SPACE PER UNIT (A)



**KANE AND JOHN ARCHITECTS, INC.**  
 2440 HIGHWAY 63 NORTH SUITE 10  
 ROCHESTER, MN 55909  
 PH (507) 288-1839 FAX (507) 288-1830  
 2440 UNIVERSITY AVE WEST  
 ST. PAUL, MN 55111  
 PH (651) 644-8224 FAX (651) 644-8224

**CERTIFICATION**  
 I hereby certify that this Plan, Spec or Report was prepared by me or my direct employee duly licensed under the laws of the state of Minnesota.

Name: \_\_\_\_\_  
 Date: \_\_\_\_\_ Lic. No.: \_\_\_\_\_

**CONSULTANTS**

**REVISIONS**

Date	By

**BIGELOW ENTERPRISES I**

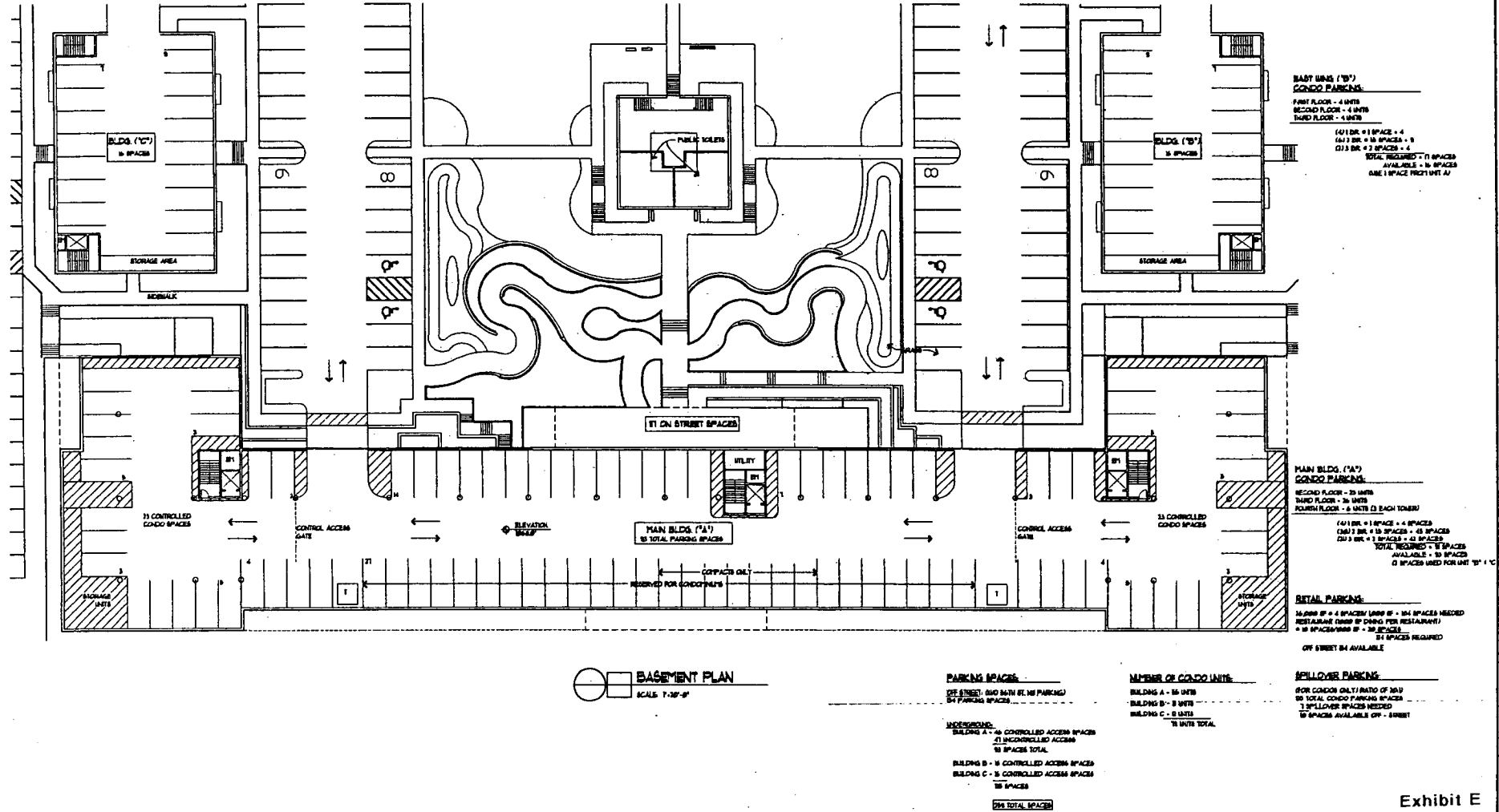
**Harvestview Town Center**

**Rochester, Minnesota**

**BASEMENT PLAN**

**Exhibit E**

**ISSUE DATE:** \_\_\_\_\_  
**KN PROJECT #** 20022  
**SHEET** \_\_\_\_\_  
**OF** \_\_\_\_\_ **NUMB**





**KANE AND JOHN  
ARCHITECTS, INC.**

2400 HIGHWAY 43 NORTH SUITE 100  
ROCHESTER, MINN 55909  
PH (507) 288-1870 FAX (507) 288-1863

2400 UNIVERSITY AVE WEST  
ST. PAUL, MN 55105  
PH (651) 644-8271 FAX (651) 644-8200

**CERTIFICATION**

I hereby certify that this Plan, Spec  
or Report was prepared by me or  
my direct employee and that I  
am a duly licensed professional  
engineer in the State of Minnesota.

Name \_\_\_\_\_  
Date \_\_\_\_\_ Lic. No. \_\_\_\_\_

**CONSULTANTS**

**REVISIONS**

Date \_\_\_\_\_ By \_\_\_\_\_

Drawn By: JF  
File Number: 0000000000  
Plot Scale: 1/8" = 1'-0"  
Project Status: PD  
Updated By: JF

**BIGELOW  
ENTERPRISES**

**Harvestview  
Town Center**

Rochester, Minnesota

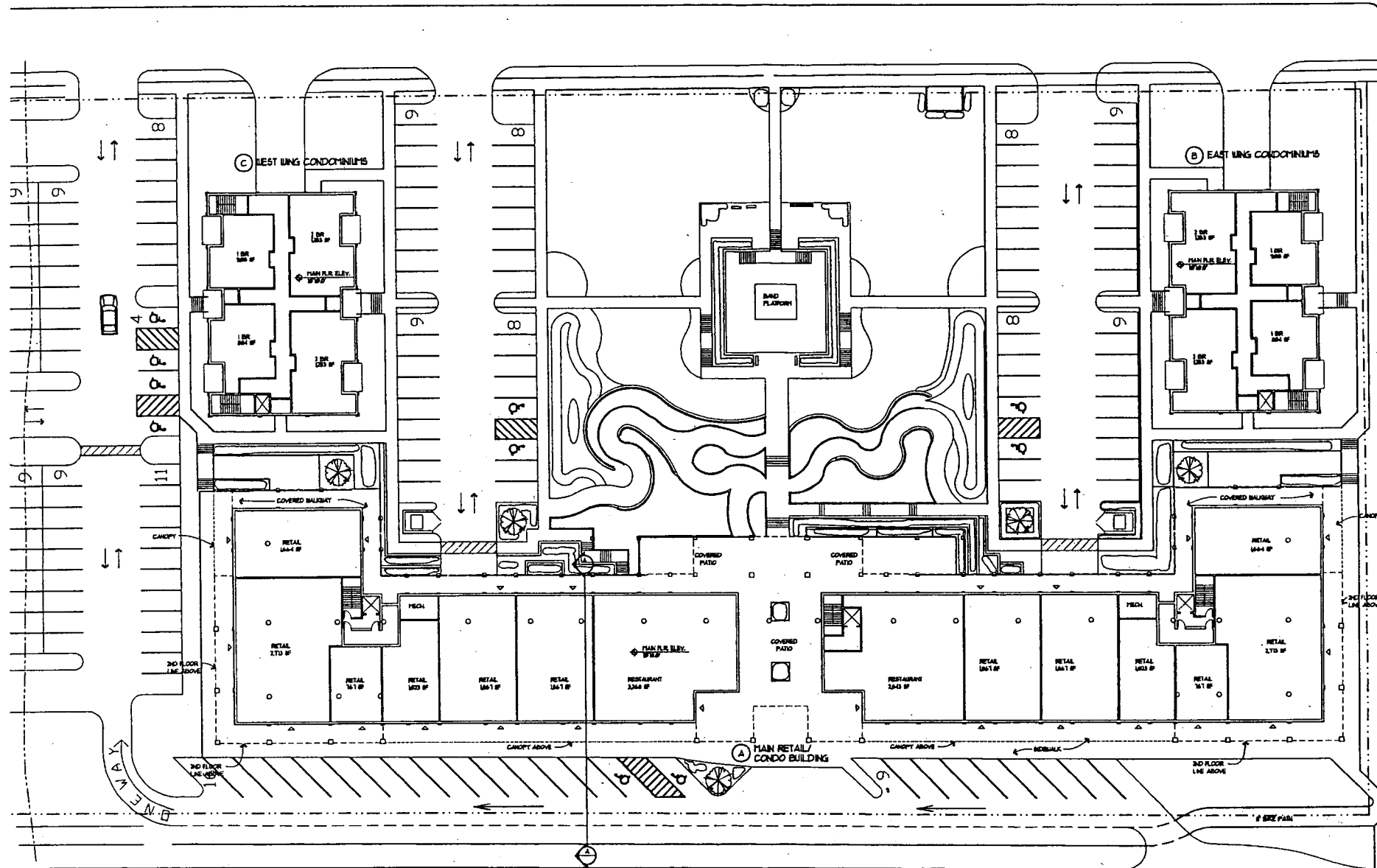
**MAIN FLOOR  
PLAN**

**ISSUE DATE:**

**MIN. PROJECT #** 2002

**DATE**

**OF** NUM



**MAIN FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

**BUILDING 'A' SQUARE FOOTAGE:**

LOWER LEVEL	GROSS SQ. FT. - 36,383
MAIN FLOOR	GROSS SQ. FT. - 30,170 LEASEABLE RETAIL SPACE - 20,893 COTTON AREAS - 3,542
2ND FLOOR	GROSS SQ. FT. - 31,644 LEASEABLE CONDO SPACE - 20,878 COTTON AREAS - 18,180
3RD FLOOR	GROSS SQ. FT. - 31,644 LEASEABLE CONDO SPACE - 31,114 COTTON AREAS - 6,294
4TH FLOOR	GROSS SQ. FT. (BOTH TOWERS) - 30,348 LEASEABLE CONDO SPACE - 8,104 COTTON AREAS - 10,444
TOTAL	LEASEABLE RETAIL SPACE - 20,893 CONDOMINIUM SQUARE FEET - 44,976 COTTON SQUARE FEET - 23,318

**BUILDING 'B' SQUARE FOOTAGE:**

LOWER LEVEL	GROSS SQ. FT. - 6,898
MAIN FLOOR	GROSS SQ. FT. - 6,898 LEASEABLE CONDO SPACE - 4,728 COTTON AREAS - 1,170
2ND FLOOR	GROSS SQ. FT. - 6,898 LEASEABLE CONDO SPACE - 4,710 COTTON AREAS - 1,088
3RD FLOOR	GROSS SQ. FT. - 6,898 LEASEABLE CONDO SPACE - 4,710 COTTON AREAS - 1,088
TOTAL	CONDOMINIUM SQUARE FEET - 14,412 COTTON SQUARE FEET - 4,346

**BUILDING 'C' SQUARE FOOTAGE:**

LOWER LEVEL	GROSS SQ. FT. - 6,898
MAIN FLOOR	GROSS SQ. FT. - 6,898 LEASEABLE CONDO SPACE - 4,728 COTTON AREAS - 1,170
2ND FLOOR	GROSS SQ. FT. - 6,898 LEASEABLE CONDO SPACE - 4,710 COTTON AREAS - 1,088
3RD FLOOR	GROSS SQ. FT. - 6,898 LEASEABLE CONDO SPACE - 4,710 COTTON AREAS - 1,088
TOTAL	CONDOMINIUM SQUARE FEET - 14,412 COTTON SQUARE FEET - 4,346

**Exhibit E**

2440 HIGHWAY 63 NORTH SUITE 3  
ROCHESTER, MN 55904  
PH (507) 286-1638 FAX (507) 286-1634

2440 UNIVERSITY AVE WEST  
ST. PAUL, MN 55114  
PH (651) 644-8224 FAX (651) 644-8086

I hereby certify that this Final Special Report was per-  
my direct super-  
duly known  
the laws of the

Name \_\_\_\_\_  
Date \_\_\_\_\_ DATE \_\_\_\_\_ Lic No \_\_\_\_\_

100

Date:	By:
Drawn By:	JF
Pie Number:	2602113pe0
Plot Scale:	F-30'-0"
Project Status:	PD
Updated By:	JF

Harvestview  
Town Center

## SECOND FLOOR PLAN

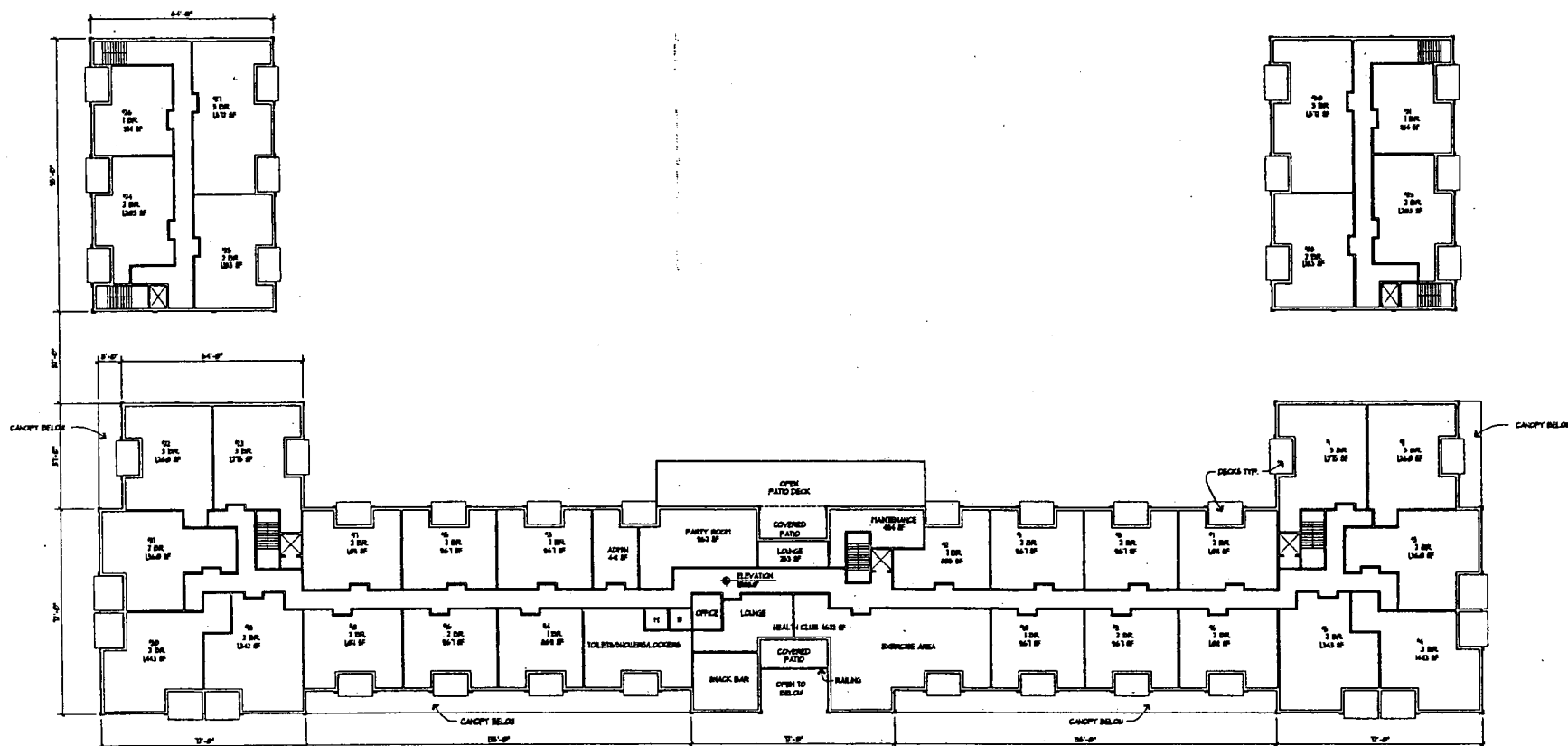
Exhibit E

ISSUE DATE: \_\_\_\_\_

KJA PROJECT #	2002:
---------------	-------

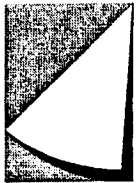
SHEET

of NUMB



 **SECOND FLOOR PLAN**  
1-25-68

of NUMB



**KANE AND JOHN  
ARCHITECTS, INC.**

2446 HIGHWAY 45 NORTH SUITE 2  
ROCHESTER, MN 55904  
PH (507) 286-1839 FAX (507) 286-1838

2449 UNIVERSITY AVE WEST  
ST. PAUL, MN 55114  
PH (612) 644-8224 FAX (612) 644-8228

#### CERTIFICATION

I hereby certify that this Plan, Spec  
or Report was prepared by me or  
my direct supervisor and I  
am duly licensed under  
the laws of the state of

Name \_\_\_\_\_  
Date \_\_\_\_\_ Lic. No. \_\_\_\_\_

#### CONSULTANTS

#### REVISIONS

Date \_\_\_\_\_ By \_\_\_\_\_

Drawn By: JP  
File Number: 20020224p01  
Plot Scale: 7/32"=1'-0"  
Project Status: PD  
Updated By: JP

**BIGELOW  
ENTERPRISES**

Harvestview  
Town Center

Rochester, Minnesota

THIRD AND FOURTH  
FLOOR PLAN

ISSUE DATE: \_\_\_\_\_

KJA PROJECT #: 2002/

04/02

OF NUME

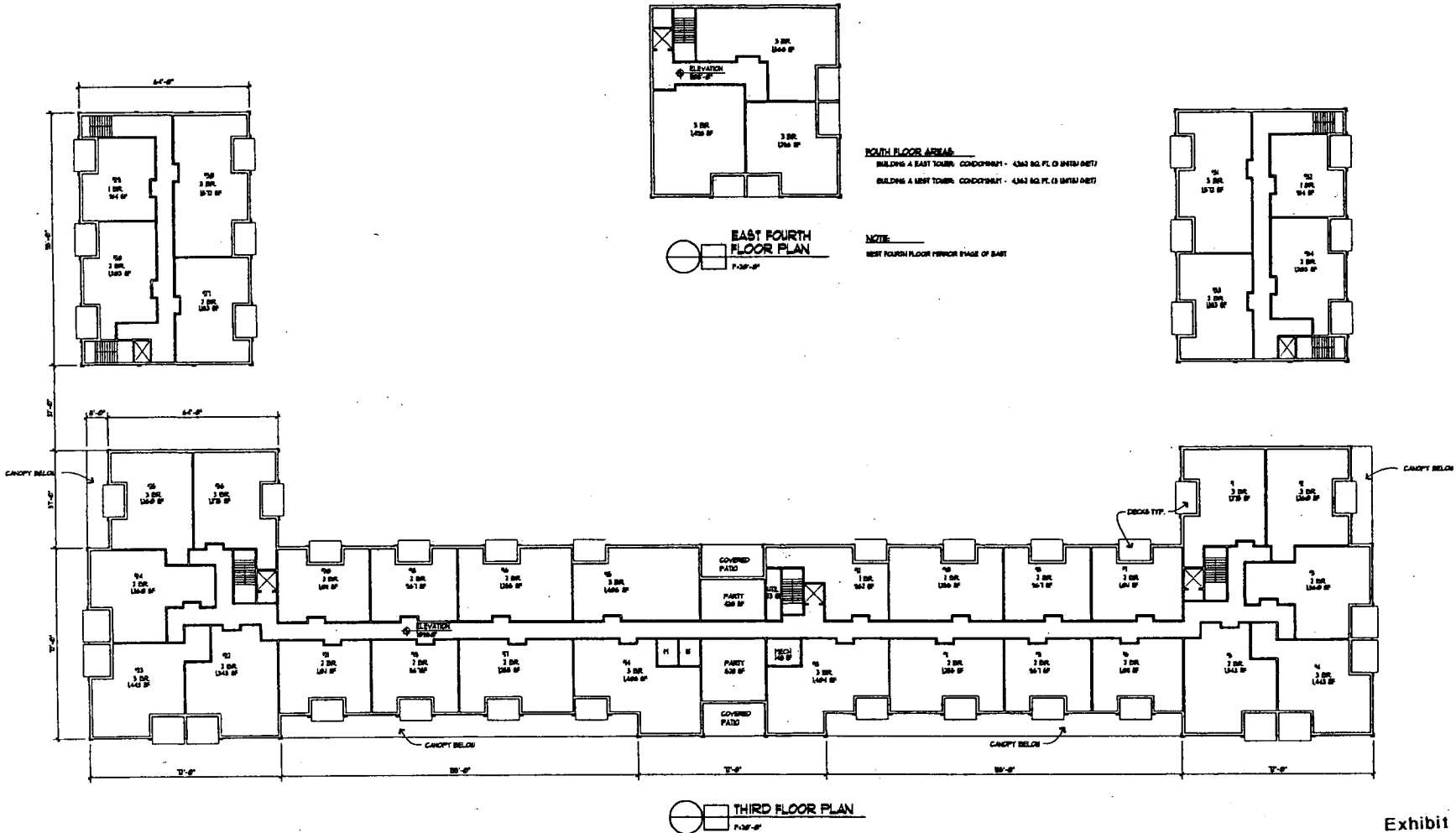
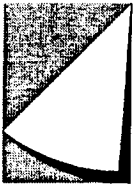


Exhibit E

123

122



**KANE AND JOHN  
ARCHITECTS, INC.**  
2440 HIGHWAY 43 NORTH SUITE 1  
ROCHESTER, MN 55906  
PH (507) 286-1831 FAX (507) 286-1832  
3400 UNIVERSITY AVE WEST  
ST. PAUL, MN 55114  
PH (651) 644-8224 FAX (651) 644-8021

**CERTIFICATION**

I hereby certify that this Plan, Spec or Report was prepared by me or my direct supervisory personnel that I am duly licensed and the laws of the State of Minnesota.

Name \_\_\_\_\_ DATE \_\_\_\_\_ Lic. No. \_\_\_\_\_

**CONSULTANTS**

**REVISIONS**

Date \_\_\_\_\_ By \_\_\_\_\_  
Drawn By: JLF  
File Number: 200211210004  
Plot Number: 7-107-07  
Project Number: PD  
Updated By: JLF

**BIGELOW  
ENTERPRISES**

**Harvestview  
Town Center**

Rochester, Minnesota

ELEVATION AND SECTION

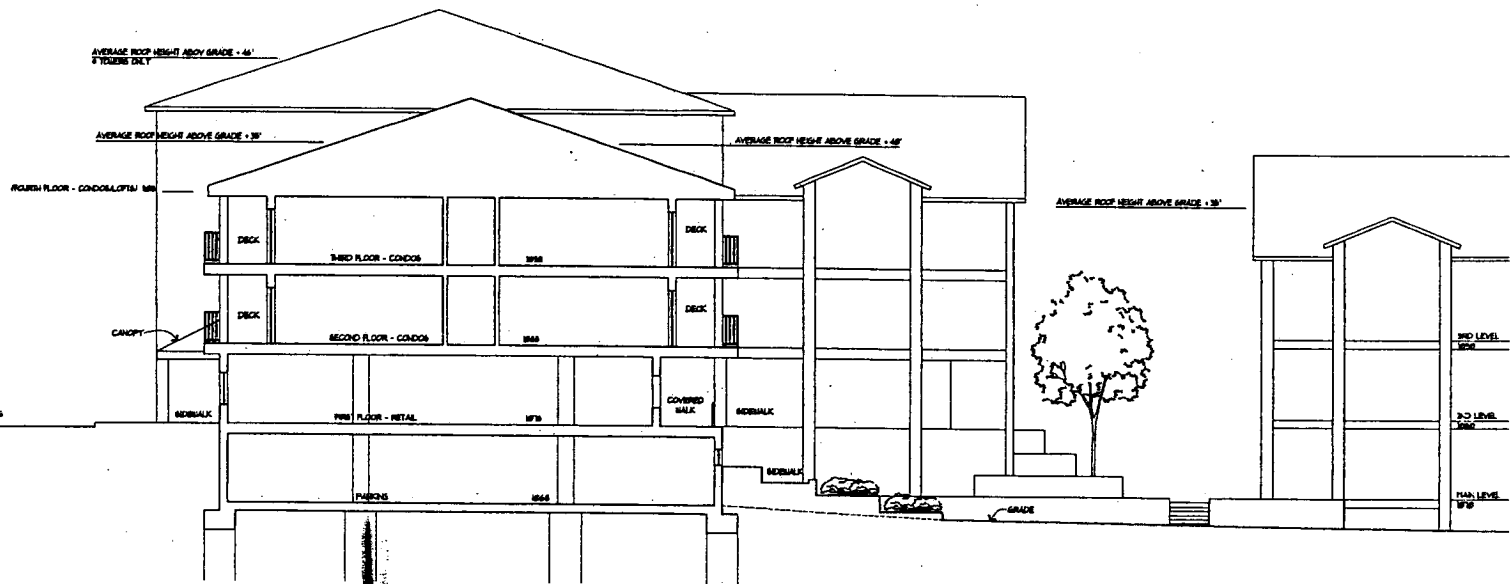
ISSUE DATE:

KJA PROJECT # 2002:

SHEET

OF NUME

Exhibit E



**SECTION**  
SCALE: 1/4" = 1'-0"

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 04-07-03

129-

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: General Development Plan # 205 by Arcon Development, Inc. to be known as Hart Farm South. The Applicant is proposing to develop approximately 80 acres of land located along the north side of 40 <sup>th</sup> Street SW and along the west side of 18 <sup>th</sup> Avenue SW with single family homes, townhomes and neighborhood commercial uses. The property is proposed to be served by public roads. An Annexation petition for the entire property, and a Zoning District Amendment for a portion of this property are being considered concurrent with this petition.		PREPARED BY: Theresa Fogarty, Planner

April 3, 2003

*Please Note: The applicant submitted a revised General Development Plan, therefore, staff is recommending Conditions 1- c & 1-d listed in the General Development Staff report, be deleted. Text to be deleted will be shown as ~~stikeout-text~~. Conditions 1-a & 1-b are being discussed with staff and will be addressed during the platting process.*

### City Planning and Zoning Commission Recommendation:

On March 12, 2003, the City Planning and Zoning Commission reviewed this General Development Plan.

Mr. Larry Frank of Arcon Development, addressed the Commission and stated he is agreement with the staff-recommended conditions. Mr. Arcon also explained that development would not occur on the property for at least one year.

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Mr. Burke moved to recommend approval of General Development Plan #205 by Arcon Development, Inc. , to be known as Hart Farm South, with staff-suggested findings and conditions. Mr. Quinn seconded the motion. The motion carried 8-0.

### Conditions:

1. The GDP shall be revised, prior to the Council meeting to include:

- a) Dedication of a 60' ROW along the westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.
- b) Dedication of the 60' ROW shall include sufficient area to construct the required pedestrian facilities within the right-of-way. Identify and label the required 10' wide pedestrian facilities within the right-of-way along the westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.
- c) ~~The proposed public street intersection with 40<sup>th</sup> Street SW, at the westerly edge of proposed Phase 3, shall be revised to align across from Windsor Hills Lane SW.~~
- d) ~~Increase the size of the park by 4.0 acres.~~

2. The property shall be platted. At the time of platting, the following shall be included:

- a) Dedication of controlled access along the westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW, with the exception of the public roadway locations approved through the GDP process.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

130

- b) *Pedestrian facilities are required, at the Owner's expense, along both sides of all new public roads within this development. In addition, the Owner is obligated to provide a 10' foot bituminous pedestrian path along the entire westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.*
  - c) *It appears that several of the blocks located within Phase 2 may exceed 800' in length, thereby requiring additional mid-block connections. Staff will address the need for additional mid-block pedestrian connections. The Owner shall be required to dedicate any mid-block pedestrian connections on separate Outlots and construct the required pedestrian path connections with the Outlots.*
  - d) *Grading and Drainage Plan approval is required prior to development. The GDP narrative and GDP plan indicate that on-site detention facilities shall be constructed to serve the development. These private detention facilities shall be platted as Outlots and the execution of an Ownership & Maintenance Agreement shall be required. The future property line grading abutting 40<sup>th</sup> Street SW and street elevations intersecting 40<sup>th</sup> Street SW must match the future 40<sup>th</sup> Street SW profile, as determined by the Rochester Public Utilities – Water Division.*
  - e) *The Developer will need to work with the County and City Public Works Department to identify final design improvements, as discussed in the Traffic Impact Review Memorandum from Charles Reiter, Senior Transportation Planner, dated March 6, 2003.*
3. *Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements including right & left turn lanes, the proposed street intersection with 40<sup>th</sup> Street SW, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, extension of public utilities abutting properties, and stipulation for phasing of development subject to the availability of adequate public facilities.*
4. *Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated February 20, 2003.*

**Planning Staff Recommendation:**

See attached staff report dated March 7, 2003.

**Council Action Needed:**

1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.
2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.

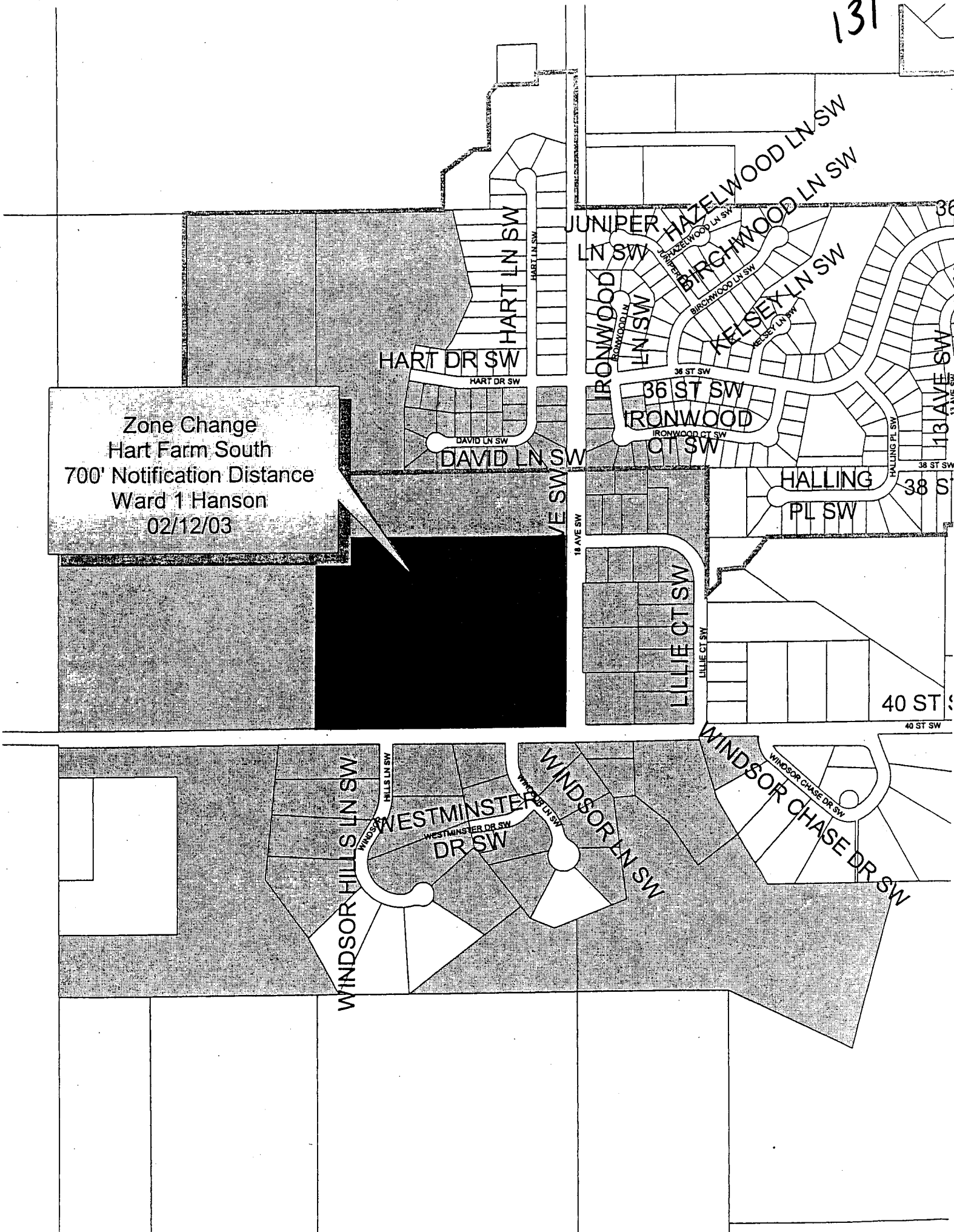
**Attachments:**

1. Staff Report dated March 7, 2003.
2. Copy minutes of March 12, 2003 CPZC Meeting.
3. Copy of Revised General Development Plan

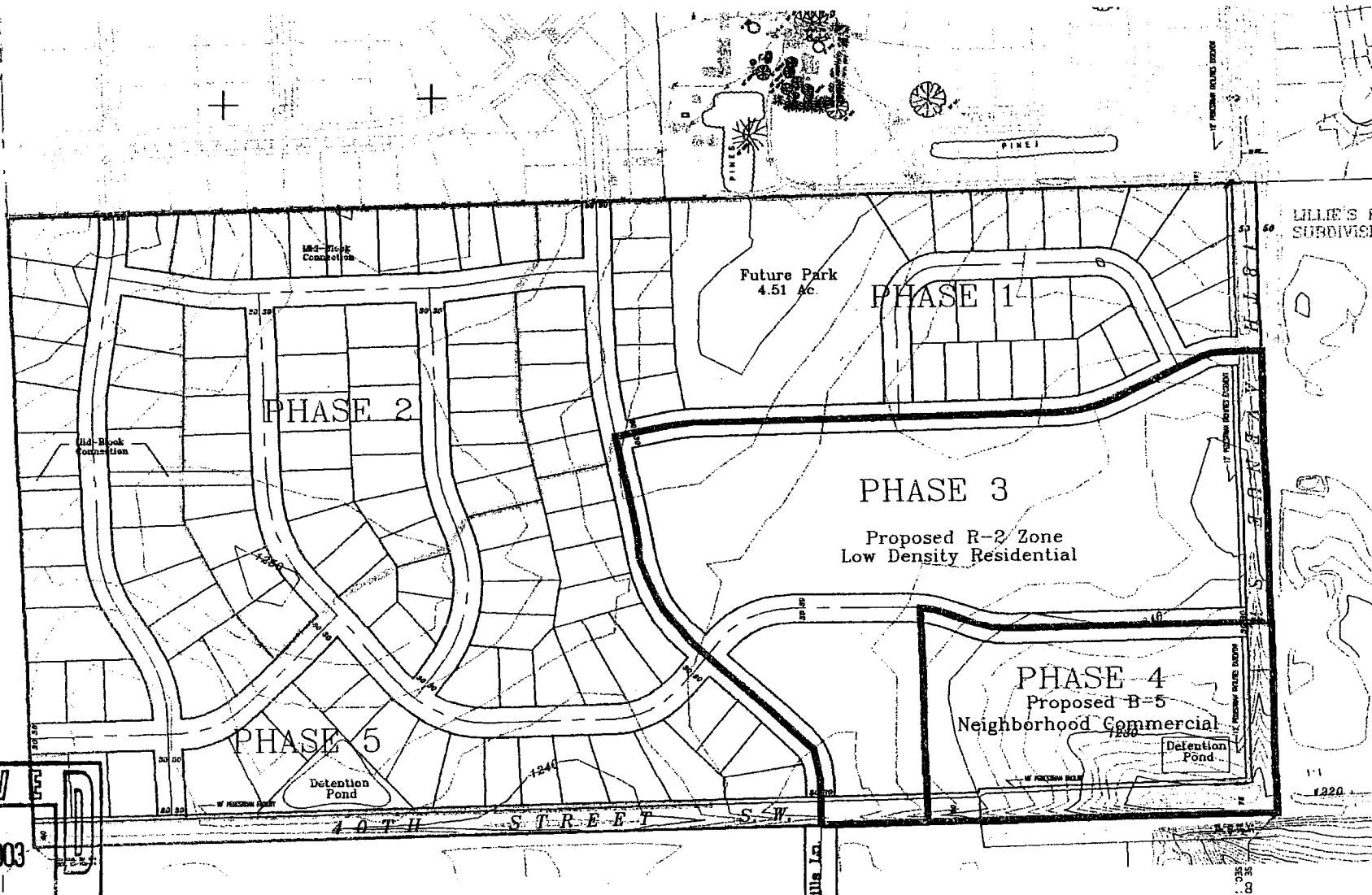
**Distribution:**

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
6. McGhie & Betts, Inc.
5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, April 7, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.

Zone Change  
Hart Farm South  
700' Notification Distance  
Ward 1 Hanson  
02/12/03



132



**RECEIVED**  
**APR - 3 2003**  
 ROCHESTER OLIVESTED  
 PLANNING DEPARTMENT

**REVISED**

No.	Description	Date

Land Surveying  
 Urban-Land Planning  
 Consulting - Civil  
 Engineering  
 1444 Third Avenue, S.E.  
 Rochester, MN 55904



Geotechnical Engineering  
 Civil Engineering  
 Environmental Planning  
 Landscape Architecture  
 No. 04-03-03  
 Date 04-03-03

ARCUM DEVELOPMENT, INC.  
 7825 METRO BLVD.  
 EDINA, MN 55438  
 Designed By: JES  
 Drawn By: JES  
 Scale: 1" = 100' Contour 1204/3048  
 Date 04-03-03

**REVISED**  
**GENERAL DEVELOPMENT PLAN**  
 HART FARM SOUTH

North  
 Scale 1"=100'

R C & A  
HART FARMS' PROPERTY

MAYWOOD ENTERPRISES LTD

ANNEXATION LIMITS

INDEPENDENTS

PARK  
EAST ACRES

GREYSTONE

BAMBER RIDGE

18th AVENUE S.E. (COUNTY ROAD 147)

LITTLE  
SUBDIVISION

PHASE 3  
Proposed B-2 Zone  
Low Density Residential

PHASE 4  
Proposed B-6  
Neighborhood Commercial

PHASE 5

PHASE 1

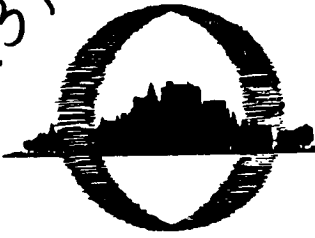
PHASE 2

R

134

**ROCHESTER-OLMSTED PLANNING DEPARTMENT**

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF  
*Olmsted*



**TO: City Planning and Zoning Commission**

**FROM: Theresa Fogarty, Planner**

**DATE: March 7, 2003**

**RE: General Development Plan #205 by Arcon Development, Inc., to be known as Hart Farm South. The Applicant is proposing to develop approximately 80 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW with single family homes, townhomes and neighborhood commercial uses. The property is proposed to be served by public roads. An Annexation petition for the entire property, and a Zoning District Amendment for a portion of this property are being considered concurrent with this petition.**

**Planning Department Review:**

**Applicant/Owner:**

Arcon Development, Inc.  
7625 Metro Boulevard, #350  
Edina, MN 55439

**Consultants:**

McGhie & Betts, Inc.  
1648 Third Ave. SE  
Rochester, MN 55904

**Size and Location:**

The area includes approximately 80 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW.

**Existing Land Use:**

This property is currently a vacant farm land.

**Proposed Use:**

The Plan proposes to develop approximately 80 acres into a single family residential development, townhomes (18.62 acres) and neighborhood commercial uses (6.73 acres). The development proposes several public roadways and a 3.02 acre public park in the north central portion of the property.

**Land Use Plan:**

This property is located within the boundaries of the Rochester Urban Service Area Land Use Plan. The land use designation for this area is "low density residential" use.



135

**Zoning:**

The City Council will consider an annexation of 59.99 acres for this property at their April 7, 2003 meeting. Upon approval for this annexation, the property will be zoned R-1 (Mixed Single Family Residential) district.

A Zoning District Amendment request will be considered concurrently with this annexation petition. The applicant has petitioned to amend the zoning district on 18.62 acres to R-2 (Low Density Residential) and 6.73 acres to B-5 (Residential Commercial) District.

**Roadways:**

The GDP proposes one 60' roadway access to 18<sup>th</sup> Avenue SW and two 60' public roadway accesses to 40<sup>th</sup> Street SW. The Plan proposes a total of nine new roadways.

A Traffic Impact Review has been completed by the Planning Department – Transportation Division. A Review of the Key Traffic Issues provided the following results:

1. The southerly access of the development with 18<sup>th</sup> Avenue SW should have provisions for both a southbound right turn lane and a northbound left turn lane. Because of the proximity of this access point to the intersection of 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street SW construction of a northbound left turn lane will likely necessitate construction of a 3<sup>rd</sup> lane from 40<sup>th</sup> Street SW to the access point to provide the left turn lane.

2. At the easterly access on 40<sup>th</sup> Street SW a provision for a westbound right turn lane and an eastbound left turn lane should be planned. As part of the work proposed with the TH 63 South improvements, 40<sup>th</sup> Street SW is planned for upgrading to 4 lanes from TH 63 to 18<sup>th</sup> Avenue SW, tapering back to 2 lanes west of 18<sup>th</sup> Avenue. The taper section on the north side of the roadway should be extended to this access point to function as the right turn lane.

3. At the westerly access on 40<sup>th</sup> Street SW a right turn lane and a bypass lane should be considered based on projected volumes and speed of travel.

**In summary:**

- the developer will need to work with the County and City Public Works Department to identify final design improvements at the access points along 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street SW, as discussed as this project proceeds into the platting stage.

134

**Roadways (Continued):**

- Provisions for future bicycle facilities should be made along both 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street SW.
- Access control shall be established, at the time of platting, along 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street frontages with the exception of the public roadway locations, approved through the GDP process..

Dedication of 60' of right-of-way is required for 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street SW and shall include sufficient area to construct the required pedestrian facilities within the right-of-way.

The future property line grading abutting, and street elevations intersecting 40<sup>th</sup> Street SW must match the future 40<sup>th</sup> Street SW profile, as determined by the City and the proposed public street intersection with 40<sup>th</sup> Street SW, at the westerly edge of proposed Phase 3, shall be revised to align across from Windsor Hills Lane SW.

**Pedestrian Facilities:**

Pedestrian facilities are required, at the Owner's expense, along both sides of all new public roads within this development. In addition, the Owner is obligated to provide a 10 foot wide bituminous pedestrian path along the entire westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.

During the platting process, the Owner shall be required to dedicate any mid-block pedestrian connections on separate Outlots and construct the required pedestrian path connections within the Outlots.

It appears that several of the blocks located within Phase 2 may exceed 800' in length, thereby requiring additional mid-block pedestrian connections. At the time of platting, staff will address the need for additional mid-block pedestrian connections.

**Drainage:**

The General Development Plan narrative specifies surface drainage from the property draining from the center of the property to the north and to the south. The GDP has indicated two storm water ponds that are intended to capture the run-off from the southern half of the site. The northern half of the site will drain towards the existing Hart Farm Subdivision and will be collected in the existing storm pond located within that subdivision.

137 -

**Drainage (Continued):**

Grading and Drainage Plan approval is required prior to development. The GDP narrative and GDP plan indicate that on-site detention facilities shall be constructed to serve the development. These private detention facilities shall be platted as Outlots, and the execution of an Ownership & Maintenance Agreement will be required.

**Wetlands:**

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. According to the Soils Survey, hydric soils do not exist on this property.

**Public Utilities:**

Static water pressures within this area will range from the upper 40's to lower 60' PSI depending on final grades.

**Parkland Dedication:**

Based on preliminary information, the dedication for the 80 acre development is estimated to be 7.0 acres. Actual calculations shall occur as the site plans for the R-2 zoning property is submitted. Most of the dedication required for this development should be in the form of land.

The general location of the 3.02 acre park is excellent. The size of the park should be increased by 4.0 acres to a total of 7 acres.

**Environmental Review:**

Since the development is conveying approximately 80 acres an EAW is required for this development.

**Referral Comments:**

1. Rochester Public Works
2. Rochester Park & Recreation
3. RPU Water Division
4. Olmsted County Public Works
5. Rochester Fire Department
6. Rochester Building Safety Department
7. MN Department of Transportation
8. Planning Department – Transportation staff, Traffic Impact Review

**Report Attachments:**

1. Reduced Copy of General Development Plan
2. Reduced Copy of General Development Plan for the entirety of Hart Farm Developments.
3. Location Map
4. Referral Comments (8)
5. Proposed General Development Plan Narrative

**Summary:**

This GDP includes approximately 80 acres of land for development of R-1 single family residential, R-2 townhomes (18.62 acres) and B-5 residential commercial (6.73 acres). Several public roads are proposed to serve this development. The GDP also proposes to dedicate 3.02 acres of parkland located in the north central portion of this development and three 30' wide mid-block connections. Phasing will begin with Phase 1 in the northeastern portion of the GDP, and ending with Phase 5 in the southwest portion of the GDP.

**Staff Suggested Findings and Recommendation:**

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became effective May 15, 1999.

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

***This GDP proposes residential development, within the R-1 (Mixed Single Family Residential), R-2 (Low Density Residential) and B-5 (Residential Commercial) zoning districts. This is consistent with the "low density residential" land use designation for the property.***

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

***The density and lot sizes for the development appear consistent with the Land Use Plan and the future rezoning of the property once the annexation is approved by the MN Planning / Office of Strategic Long Range Planning.***

***The proposed vehicular systems and mid-block connections provide for the connection to adjacent properties.***

***It appears that several of the blocks located within Phase 2 may exceed 800' in length, thereby requiring additional mid-block pedestrian connections. At the time of platting, staff will address the need for additional mid-block pedestrian connections.***

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

***The development density is consistent with a Low Density Residential land use designation of the Land Use Plan. The GDP is consistent with the Housing Plan and the standards for the physical and social environments of residential neighborhoods.***

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan the subject and adjacent properties.

139

***In order to be consistent with the Long Range Bicycle Facility Plan , accommodations are needed for a 10' wide bituminous path within the westerly ROW of 18<sup>th</sup> Avenue SW and northerly ROW of 40<sup>th</sup> Street SW. The GDP will need to be revised to show the dedication of 60' of ROW for 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street SW. Dedication of 60' of ROW for 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street SW will include sufficient area to construct the required pedestrian facilities within the ROW.***

***Right turn lanes and by-pass lanes will be required at the public roadway entrances from 40<sup>th</sup> Street SW and 18<sup>th</sup> Avenue SW.***

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

***In order to be consistent with the Long Range Bicycle Facility Plan , accommodations are needed for a 10' wide bituminous path within the westerly ROW of 18<sup>th</sup> Avenue SW and northerly ROW of 40<sup>th</sup> Street SW. The GDP will need to be revised to show the dedication of 60' of ROW for 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street SW. Dedication of 60' of ROW for 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street SW will include sufficient area to construct the required pedestrian facilities within the ROW.***

***The future property line grading abutting, and street elevations intersecting 40<sup>th</sup> Street SW must match the future 40<sup>th</sup> Street SW profile, as determined by the City. In addition, The proposed public street intersection with 40<sup>th</sup> Street SW, at the westerly edge of proposed Phase 3, shall be revised to align across fro Windsor Hills Lane SW.***

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

***Water and sewer will need to be extended to serve this development and will need to be extended through the sites as the property develops.***

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

***Detailed construction plans will need to be approved for all infrastructure improvements.***

***A 10' wide bituminous path will be required within the westerly ROW of 18<sup>th</sup> Avenue SW and the northerly ROW of 40<sup>th</sup> Street SW.***

***The general location of the 3.02 acre park is excellent. The size of the park should be increased by 4.0 acres to a total of 7 acres.***

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

***Storm Water Management must be provided for this development. The GDP plan indicates on-site detention facilities will be constructed to serve this development.***

***Detailed grading and drainage plans will need to be submitted to the City for review and approval prior to the submittal of final plats for the property.***

***Detailed construction plans will need to be approved for all infrastructure improvements.***

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

***The lot, block layout and lot density for the development appear to be consistent with the Subdivision Design Standards. Specific lot and block layouts will be reviewed at the time the property is platted. The proposed densities are compatible with existing and planned development of other parcels in the area.***

### **Recommendation:**

Based on the above criteria, staff would recommend that the following conditions should be imposed in order to assure compliance with the Rochester Zoning Ordinance and Land Development Manual:

1. ***The GDP shall be revised, prior to the Council meeting to include:***

- a) ***Dedication of a 60' ROW along the westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.***
- b) ***Dedication of the 60' ROW shall include sufficient area to construct the required pedestrian facilities within the right-of-way. Identify and label the required 10' wide pedestrian facilities within the right-of-way along the westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.***

141

- c) *The proposed public street intersection with 40<sup>th</sup> Street SW, at the westerly edge of proposed Phase 3, shall be revised to align across from Windsor Hills Lane SW.*
- d) *Increase the size of the park by 4.0 acres.*
- 2. *The property shall be platted. At the time of platting, the following shall be included:*
  - a) *Dedication of controlled access along the westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW, with the exception of the public roadway locations approved through the GDP process.*
  - b) *Pedestrian facilities are required, at the Owner's expense, along both sides of all new public roads within this development. In addition, the Owner is obligated to provide a 10' foot bituminous pedestrian path along the entire westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.*
  - c) *It appears that several of the blocks located within Phase 2 may exceed 800' in length, thereby requiring additional mid-block connections. Staff will address the need for additional mid-block pedestrian connections. The Owner shall be required to dedicate any mid-block pedestrian connections on separate Outlots and construct the required pedestrian path connections with the Outlots.*
  - d) *Grading and Drainage Plan approval is required prior to development. The GDP narrative and GDP plan indicate that on-site detention facilities shall be constructed to serve the development. These private detention facilities shall be platted as Outlots and the execution of an Ownership & Maintenance Agreement shall be required. The future property line grading abutting 40<sup>th</sup> Street SW and street elevations intersecting 40<sup>th</sup> Street SW must match the future 40<sup>th</sup> Street SW profile, as determined by the Rochester Public Utilities – Water Division.*
  - e) *The Developer will need to work with the County and City Public Works Department to identify final design improvements, as discussed in the Traffic Impact Review Memorandum from Charles Reiter, Senior Transportation Planner, dated March 6, 2003.*
- 3. *Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements including right & left turn lanes, the proposed street intersection with 40<sup>th</sup> Street SW, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, extension of public utilities abutting properties, and stipulation for phasing of development subject to the availability of adequate public facilities.*
- 4. *Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated February 20, 2003.*

NOTE:

- *Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.*

142

## HART FARM SOUTH GENERAL DEVELOPMENT PLAN

The Hart Farm South General Development Plan is approximately 80 acres bounded by Hart Farm subdivision to the north, unplatted farmland to the west, Bamber Ridge and Lilies subdivisions to the east, and the Winsor Ridge subdivision to the south.

The following is a written summary of the General Development Plan (GDP) in accordance with Appendix B E-3.

- a) *Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.*

The 80-acre Hart farm parcel is a bedrock-controlled landscape, partially dissected with swale drainageways. The relief difference from the lowest part of the swale to the summit has an elevation range of 1140 to 1250 feet above sea level. The upper most rocks are those of the Galena formation. The confining Decorah shale is below these elevations. Most of this landscape on this SITE is mantled with 2 to 4 feet thick loess deposits over this limestone rock formation and are mapped as the (489) Atkinson, (299) Rockton and (340) Whalan soils. In its north eastern part, is an area of (401) Mt. Carroll soils, where the loess is as much as 10 feet thick. Slope of all of the soils range from 2 to 12% and they are on the landscape summits and the adjoining upper side slopes.

All of these soils are well drained and have moderate permeability's. Rate of surface runoff is considered as moderate. They have medium to high levels of phosphorous, are low in content of nitrogen and potassium. They are also considered as being erosive, particularly on the side slope settings and do require both vegetative and mulch cover to control erosion particularly during any spring rainy period. There are no wetlands or related hydric soils observed on this SITE.

- b) *Storm drainage problems, which in the estimation of the applicant, may result in costs that will exceed normal storm drainage costs.*

The storm drainage does not appear to cause problems that will result in the increase of normal storm drainage costs.

Two storm ponds are planned along the southern edge of the site, which will accommodate the proposed increase of storm water runoff from roughly the center of the site to the south. The area included in the proposed storm ponds will include some single family residential, and the R-2 townhome and neighborhood commercial uses.

The northern area of the site including the single-family lots and the proposed park will drain towards the existing storm water pond in the Hart Farm Subdivision.

c) *Identification of potential off-site drainage problems.*

The surface drainage from the property drains from the center of the property to the north and to the south. The GDP has indicated two storm water ponds that are intended to capture the run-off from the southern half of the site. The northern half of the site will drain towards the existing Hart Farm Subdivision and will be collected in the existing storm pond located within that subdivision. There should be no problems with off-site drainage created by this development.

d) *Availability of utilities to serve the area under consideration.*

City water and sanitary sewer will be stubbed out from the Hart Farm Subdivision in the eastern most north/south public street. These utilities will be able to provide adequate services for the entire General Development Plan area.

e) *Identification of possible erosion problems, which may arise in the estimation of the applicant.*

Approximately 73 acres of the site including the single family, townhome and proposed park have a very gentle slope. The southeastern corner of the property indicated as neighborhood commercial has roughly 10 percent slope along the intersection of 40<sup>th</sup> Street S.W. and 18<sup>th</sup> Avenue S.W. Where development encroaches into the steeper slopes, erosion control measures will be incorporated into the grading plan final design.

f) *A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.*

The first phase of the development will be in the northeastern portion of this GDP, developing approximately 40 single-family lots. The second phase will continue the development of single-family homes to the west of Phase 1. Phases 3 and 4 will be developed after the proposed improvement for 40<sup>th</sup> Street S.W are completed. Phase 5 will complete the single-family development for the GDP.

144

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 2/28/03

The Department of Public Works has reviewed the application for General Development Plan #205 for the proposed Hart Farm South development. The following are Public Works comments on this request:

1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements including right & left turn-lanes at the proposed street intersections with 40<sup>th</sup> St SW, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, extension of public utilities to abutting properties, and stipulations for phasing of development subject to the availability of adequate public facilities.
2. Grading & Drainage Plan approval is required prior to development. The GDP narrative and GDP plan indicate that on-site detention facilities will be constructed to serve this development. These private detention facilities shall be platted on Outlots, and the execution of an Ownership & Maintenance Agreement will be required.
3. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of 18<sup>th</sup> Ave SW, and 40<sup>th</sup> St SW.
4. The Owner will be required to dedicate any required mid-block pedestrian connections on separate Outlots, and construct the required pedestrian path connections within the Outlots.
5. Dedication of 60 feet of ROW is required for 18<sup>th</sup> Ave SW & 40<sup>th</sup> St SW, and will include sufficient area to construct the required pedestrian facilities within the ROW.
6. Dedication of controlled access will be required through the platting process for the entire frontage of 18<sup>th</sup> Ave SW, and 40<sup>th</sup> St SW, with the exception of the public road access locations approved through the GDP process.
7. Execution of a City-Owner Contract will be required prior to construction of any public infrastructure to serve this property.
8. The future property line grading abutting, and street elevations intersecting 40<sup>th</sup> St SW must match the future 40<sup>th</sup> St SW profile as determined by the City.
9. The proposed public street intersection with 40<sup>th</sup> St SW, at the westerly edge of proposed Phase 3, shall be revised to align across from Windsor Hills Ln SW.

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

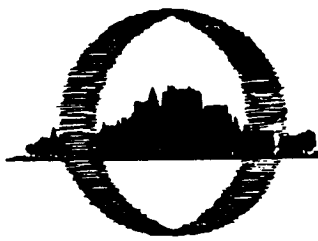
145  
DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- ❖ Water Availability Charge @ \$1790.25 per developable acre
- ❖ Sewer Availability Charge (SAC) @ Rate established for each District serving this Property.
- ❖ Transportation Improvement District Charge (TID) for J9846 @ \$2007.14 per gross acre
- ❖ Storm Water Management – TBD for any areas of this Property that are not served by on-site detention.
- ❖ First Seal Coat Charge @ \$0.49 per square yard of public street surface.
- ❖ Street Signs as determined by the City Engineer

144



COUNTY OF

*Olmsted*

PUBLIC WORKS DEPARTMENT  
2122 CAMPUS DR SE - SUITE 200  
ROCHESTER MN 55904-4744  
www.olmstedpublicworks.com  
507.285.8231

February 25, 2003

Jennifer Garness  
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the General Development Plan #205 and has the following comments:

- ***Access control shall be shown along 40<sup>th</sup> St SW and 18<sup>th</sup> Ave SW.***
- ***Right turn lanes and by-pass lanes will be required at public street entrance from 40<sup>th</sup> St SW and 18<sup>th</sup> Ave SW.***

Sincerely,

Michael Sheehan  
County Engineer

MTS:ss



T:\PWDATA\ENG\INDOC\PLANZONE.DOC

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



## ROCHESTER PARK AND RECREATION DEPARTMENT

February 20, 2003

TO: Jennifer Garness  
Planning

RE: Hart Farms South General Development Plan # 205

Based on preliminary information supplied by the applicant's consultant, the dedication for the 80 acre development is estimated to be 7.0 acres. Actual calculations to occur as the site plans for the R2 zoned property are submitted. Most of dedication required for this development should be in the form of land.

The general location of the 3.02 acre park is excellent. The size of the park should be increased by 4.0 acres.

148



February 20, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: General Development Plan #205 by Arcon Development, Inc. to be known as Hart Farm South.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. Static water pressures within this area will range from the upper 40's to lower 60's PSI depending on final grades.
- ~~2. The water main in the cul-de-sac streets must be looped and water mains must be extended to adjacent properties per our requirements.~~
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention  
Gale Mount, Building & Safety  
McGhie & Betts, Inc.  
Arcon Development, Inc.



*The hand to reach for...*  
**DAVID A. KAPLER**  
Fire Chief

DATE: February 24, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher  
Fire Protection Specialist

SUBJ: General Development Plan #205  
Hart Farms South

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division  
Arcon Development, Inc. – 7625 Metro Boulevard, #350 – Edina, MN 55439  
McGhie & Betts, Inc. – 1648 3<sup>rd</sup> Avenue SE – Rochester, MN 55904

251

**Rochester Building  
Safety Department**

# Memo

**To:** Jennifer Garness, Planning Department

**From:** Kenneth Heppelmann

**CC:** Arcon Development, Inc.  
McGhie & Betts, Inc.  
Gary Schick, Plumbing Inspector  
Mark Sparks, Electrical Inspector

**Date:** February 24, 2003

**Re:** General Development Plan #205 by Arcon Development, Inc. to be known as Hart Farms South.

---

The above referenced development appears to indicate new construction that is regulated under the Building Code and will require building permits. Complete plans and specifications are required to be submitted for a building permits prior to construction.

The proposed construction appears to consist of attached single-family dwellings (townhomes) on separate lots with property lines between the units. Please verify the following items:

- Separate utility services (i.e. sewer, water, gas, electric, etc.) are required to be provided to each dwelling unit. The utilities are not permitted to encroach onto or through the adjacent lots.
- The dwelling units are required to be separated with fire resistive rated wall assemblies in accordance with the 2000 IRC, Section 321.2.
- The fire resistive rating of exterior walls, and projections from such walls, with a fire separation distance of less than three feet is required to comply with IRC Section 302.1.

Please let me know if you have any questions or concerns.

Thank you

# CENTEX HOMES

Minnesota Division

151 -  
12400 Whitewater Drive  
Suite 120  
Minnetonka, MN 55343

Phone: 952-936-7833

Fax: 952-936-7839

March 4, 2003

Rochester Building Safety Department  
2122 Campus Drive SE  
Rochester, MN 55904  
Attn: Kenneth Heppelmann

Re: General Development Plan #205 by Arcon Development, Inc. to be known as Hart Farms South

Dear Mr. Heppelmann:

I would like to clarify the nature of the proposed construction per the above captioned development and your memo dated February 24, 2003.

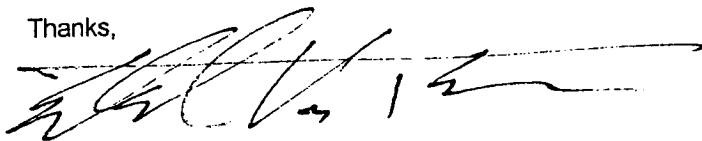
The proposed construction will consist of Residential Group R-2 occupancies. Each R-2 building will consist of 8 -10 dwelling units. Each building will be on a separate lot. The proposed construction will be similar to the buildings currently under construction at the Boulder Ridge development.

Please verify the following items:

- ☐ Separate utilities (i.e. sewer, water, electric) are required to be provided to each building. Separate gas services are required to be provided to each dwelling unit
- ☐ Dwelling units shall be separated with fire-resistance rated construction in accordance with the 2000 IBC, Section 708 Fire Partitions.
- ☐ Exterior walls shall be fire-resistance rated in accordance with the 2000 IBC, Section 704.5.

If you have any questions or require additional information do not hesitate to contact me.

Thanks,



Edward VonThoma  
Product Development Manager

Cc: Jennifer Garness, Planning Department?  
Arcon Development, Inc.  
McGhie & Betts, Inc.  
Gary Schick, Plumbing Inspector  
Mark Sparks, Electrical Inspector

152



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060  
2900 48<sup>th</sup> Street N.W.  
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

February 24, 2003

Jennifer Garness  
Rochester – Olmsted Planning Department  
2122 Campus Drive SE – Suite 100  
Rochester, MN 55904

**RE: Amendment to General Development Plan #160 known as Stonehedge Estates (formally known as Palteau Estates).**

**Land Subdivision Permit (Preliminary Plat) #03-07 to be known as Stonehedge Estates Second Subdivision by Stonehedge Land Development LLC.**

**General Development Plan #205 by Arcon Development, Inc to be known as Hart Farms South.**

**Zoning District Amendment #03-08 by Arcon Development Inc. to zone approximately 18.62 acres R-2 and 6.73 acres B-5 upon the annexation to the City of Rochester.**

**Annexation Petition #03-07 by Merly Groteboer to annex approximately 59.99 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Ave SW.**

**Amendment to General Development Plan #190 known as Harvestview and Harvestview Special District #02-07.**

**Annexation Petition #03-06 by Charlyne Burks to annex approximately 25.61 acres of land located north of East Circle Drive and east of Northwood hills 2<sup>nd</sup> Subdivision.**

**Zoning District Amendment #03-06 by Dallas Backhaus requesting to amend the zoning district for approximately 20.09 acres from R-1 to R-1X district.**

Dear Ms. Garness:

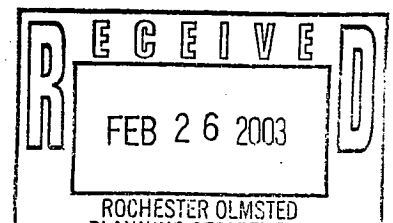
The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. These proposals will be sizeable traffic generators and Mn/DOT requests the City of Rochester to manage the traffic impacts for both City and State roadways.

Thank you for the opportunity to review these proposals and for keeping Mn/DOT informed. Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale E. Maul'.

Dale E. Maul  
Planning Director



153

MEMORANDUM

TO: City Planning & Zoning Commission

FROM: Charles Reiter  
Senior Transportation Planner

DATE: March 6, 2003

RE: Traffic Impact Review of Hart Farms South General Development Plan

**Summary of Background Information:**

- The proposed GDP contains a mix of land uses including 134 Single Family lots, 18.62 acres proposed for R-2 Low Density residential use, and 6.73 acres proposed for Neighborhood Commercial.
- Estimated traffic generation assuming the low density area is developed at 7.5 units per acre (for a total of 140 units) and the commercial area is developed at a Floor Area Ratio of 0.15 (resulting in approximately 40,000 square feet of floor area) is as follows:

Use	Daily Traffic	Peak Hour Traffic
Single Family	1540 vpd	135 vpph
Townhome	1050 vpd	110 vpph
Neigh Commercial		
<i>Market / gas</i>	1190 vpd	110 vpph
<i>Day Care</i>	400 vpd	75 vpph
<i>Office / Service</i>	230 vpd	40 vpph
<i>Medical Office</i>	360 vpd	46 vpph

\*\*"vpd" stands for vehicles per day; "vpph" stands for vehicles per peak hour

- The main roadways serving this development are non-city streets; 18<sup>th</sup> Ave SW is a County Road (CR 147) and 40<sup>th</sup> St SW is a Rochester Township roadway
- Existing volumes on 40<sup>th</sup> St and 18<sup>th</sup> Ave in the vicinity of the development are very low; on 40<sup>th</sup> St the estimated volume is approximately 1000 vehicles per day and on 18<sup>th</sup> Ave the volume is estimated at 2200 vehicles per day
- Projected 2020 volumes on these two corridors are significantly higher, due primarily to anticipated retail / office development expected to occur along Highway 63 between 40<sup>th</sup> and 48<sup>th</sup> St SW on both side of the highway that will draw traffic on 18<sup>th</sup> Ave and 40<sup>th</sup> St from areas along West Circle Drive . Projected volumes are in the range of 7500-8000 ADT on 18<sup>th</sup> Ave and 6000-7000 on 40<sup>th</sup> St (See Figure 1 on next page)
- Using the peak hour traffic data in the table above peak hour turning movement projections were estimated for each of the access points in the development plan and for the intersection of 18<sup>th</sup> Ave and 40<sup>th</sup> St SW. These are shown in Figure 2. In developing these estimates the layout of adjacent properties (Hart Farm North and Fieldstone) were considered as well due to the interconnected nature of the interior street system which will result in some traffic flowing through adjacent developments to access either 40<sup>th</sup> St or 18<sup>th</sup> Ave. See Figure 3 for a composite GDP of the area

157

Hart Farms  
Commercial Area  
Traffic Estimates  
For 2002 &  
Projections for 2025

18<sup>th</sup> Ave SW

2002: 2250 ADT (*est*)  
2025: 7500-8000 ADT

2002 : 1000 ADT (*est*)  
2025: 6000 -7000 ADT

40<sup>th</sup> St

2002: 2500 ADT (*est*)  
2025: 12000-13000 ADT

Figure 1

North ^

*Hart Farm South  
Development Area  
PM Peak Hour Traffic*

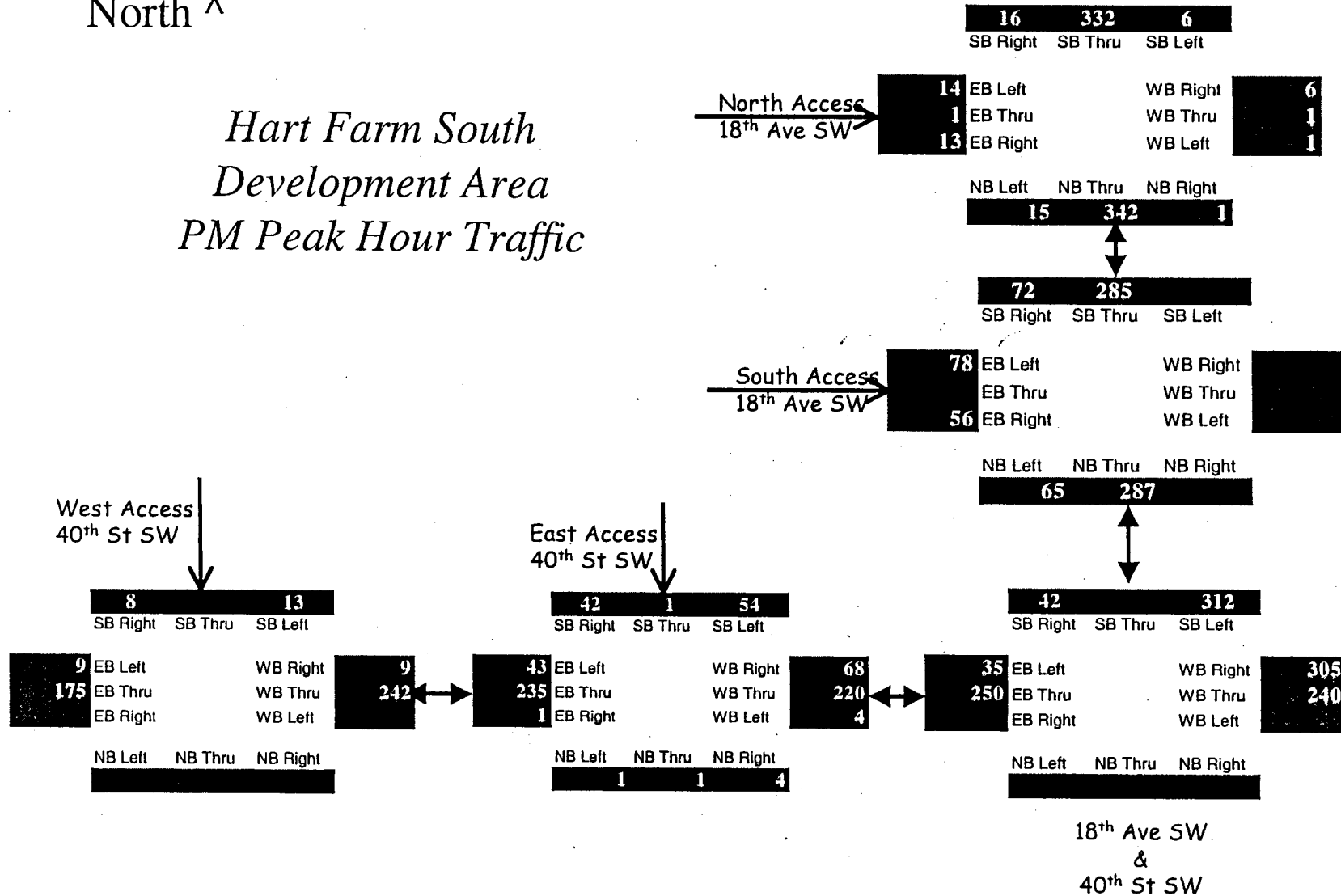


Figure 2

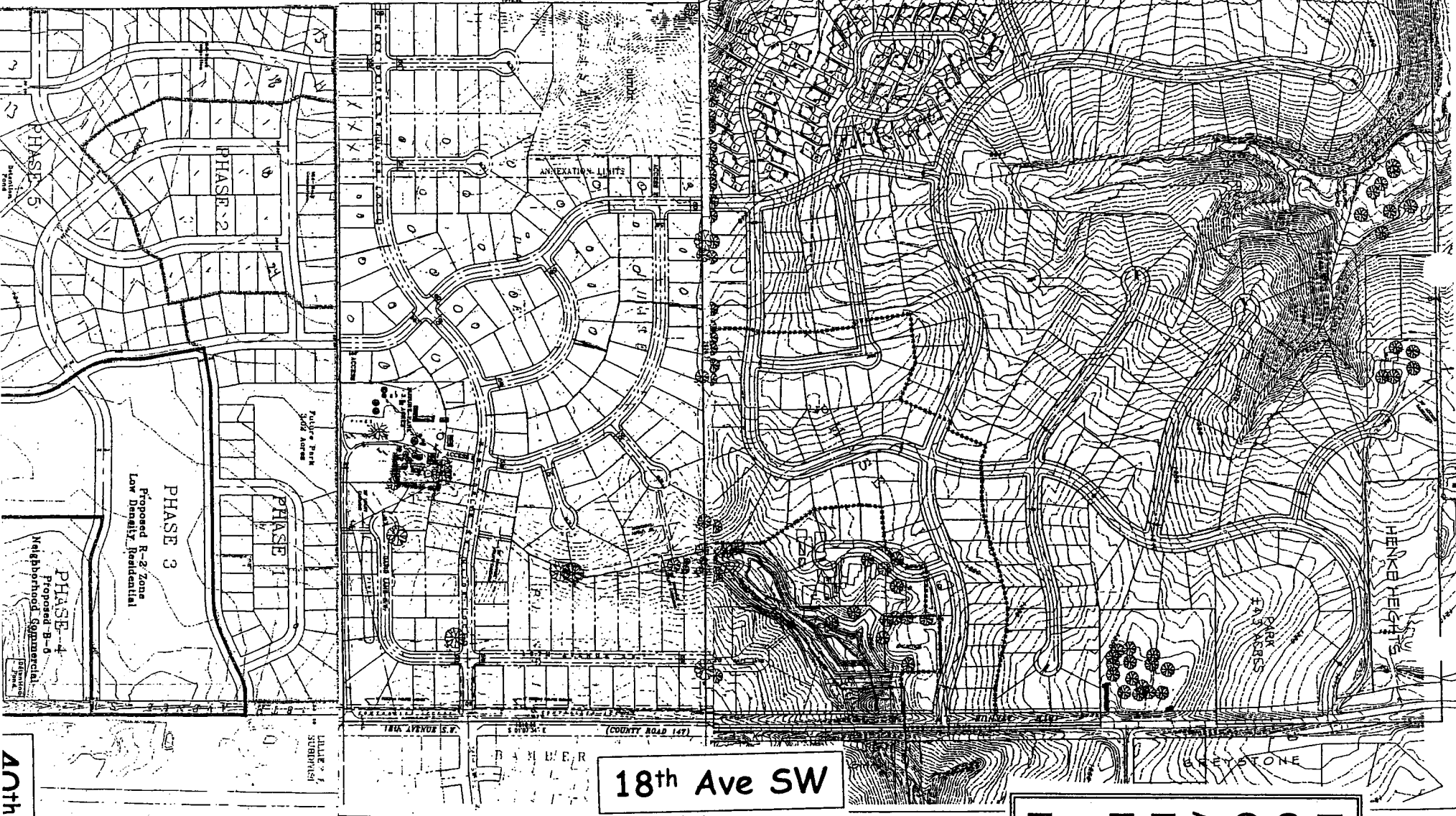
155

157

Hart Farms  
South

Hart Farms  
North

Fieldstone



18th Ave SW

Figure 3  
Composite  
Of  
Area  
Development  
Plans  
North ^

North ^

157

### Review of the Key Traffic Issues

- One issue is identifying the preferred design for each of the access points that intersect either 18<sup>th</sup> Ave or 40<sup>th</sup> St. Particular questions to resolve are whether right or left turn lanes are needed at these intersections based on the projected traffic volumes.

To evaluate this question the Level of Service of each intersection was analyzed as well as comparative volumes of conflicting traffic flows to determine if turn lanes are needed. Based on this analysis the following results were identified:

1. The southerly access of the development with 18<sup>th</sup> Ave should have provisions for both a southbound right turn lane and a northbound left turn lane. Because of the proximity of this access point to the intersection of 18<sup>th</sup> Ave and 40<sup>th</sup> St construction of a northbound left turn lane will likely necessitate construction of a 3<sup>rd</sup> lane from 40<sup>th</sup> St to the access point to provide the left turn lane
2. At the easterly access on 40<sup>th</sup> St a provisions for a westbound right turn lane and an eastbound left turn lane should be planned. As part of the work proposed with the TH 63 South improvements 40<sup>th</sup> St SW is planned for upgrading to 4 lanes from TH 63 to 18<sup>th</sup> Ave, tapering back to 2 lanes west of 18<sup>th</sup> Ave (See Figure 4). The taper section on the north side of the roadway should be extended to this access point to function as the right turn lane.
3. At the westerly access on 40<sup>th</sup> St a right turn lane and a bypass lane should be considered based on projected volumes and speed of travel.

The analysis of the intersection of 40<sup>th</sup> St and 18<sup>th</sup> Ave SW suggests that this intersection can function under projected traffic volumes at an adequate Level of Service as an All-Way Stop Control with no additional improvements beyond those proposed as part of the Highway 63 / 40<sup>th</sup> St project.

- The traffic impact to 40<sup>th</sup> St SW, which is a township road, is estimated as follows:
  - Between 18<sup>th</sup> Ave and the first access to the development west of 18<sup>th</sup> Ave: At full development an additional 1440 vpd would be added
  - West of the westerly access point to the development: At full development an additional 1020 vpd would be added

This street is designated as a collector street on the Thoroughfare Plan but is built to local rural road standards (24' roadway driving surface with narrow shoulders). Eventually this roadway will need to be upgraded as traffic volumes grow as the result of future urban development. It would be my expectation that this would be a city-initiated project once more of the properties along 40<sup>th</sup> St are annexed and developed. The developer of Hart Farms South will be required to provide a Substandard Street Fee contribution as well as adequate right of way for a future rural collector.

A short-term issue for the city and township to look at will be maintenance needs on the 40<sup>th</sup> St corridor and possible cost sharing on the effort. Full development of the Hart Farms properties and Fieldstone is projected to double the traffic on 40<sup>th</sup> St. The first section of 40<sup>th</sup> St immediately west of 18<sup>th</sup> Ave will be reconstructed as part of the proposed TH 63 improvement project, but west of the first access no changes of the road are currently planned

- 158
- The ROCOG Long Range Bicycle Plan identifies both 18<sup>th</sup> Ave and 40<sup>th</sup> St as locations for future bicycle trails. Accommodations for these facilities should be provided for in the final development plan
  - Aside from the proposed street intersections, no additional access will be permitted to either 18<sup>th</sup> Ave or 40<sup>th</sup> St SW. At the time of platting access control will need to be established along all property frontages on both 18<sup>th</sup> Ave and 40<sup>th</sup> St

### **Summary**

- The developer will need to work with the County and City Public Works Department to identify final design improvements at the access points along 18<sup>th</sup> Ave and 40<sup>th</sup> St as discussed as this project proceeds into the platting stage.
- Provisions for future bicycle facilities should be made along both 18<sup>th</sup> Ave and 40<sup>th</sup> St
- Access control shall be established at the time of platting along 18<sup>th</sup> Ave and 40<sup>th</sup> St frontages.



**Ms. Petersson moved to recommend approval of Annexation Petition #03-06 by Charlyne Burke as recommended by staff. Mr. Haeussinger seconded the motion.**

Mr. Staver discussed whether or not annexations shouldn't receive more scrutiny from the Planning Commission. He discussed whether or not they should be approved if police and fire cannot serve the areas in question.

**The motion carried 7-1, with Mr. Staver voting nay.**

Annexation Petition #03-07 by Merl Groteboer to annex approximately 59.99 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW. The property is located in a part of the South 1/2 of the SW 1/4 of Section 22 of Rochester Township.

Mr. Staver stated that he would not vote in favor of the annexation, since he believes they need to support efforts to manage growth. He indicated that he was not discussing a moratorium.

Ms. Wiesner asked if the process of annexation or general development plan concerned Mr. Staver.

Mr. Staver responded that the annexation was the first step in terms of infrastructure.

Mr. Haeussinger stated that the capacity of fire protection and police staffing needed to be taken into consideration with regard to growth as well as city services.

**Mr. Haeussinger moved to recommend approval of Annexation Petition #03-07 by Merl Groteboer as recommended by staff. Mr. Quinn seconded the motion. The motion carried 7-1, with Mr. Staver voting nay.**

#### PUBLIC HEARINGS:

Zoning District Amendment #03-08 by Arcon Development Inc. to zone approximately 18.62 acres R-2 (Low Density Residential) and 6.73 acres B-5 (Residential Commercial) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.

#### **AND**

General Development Plan #205 by Arcon Development, Inc. to be known as Hart Farms South. The Applicant is proposing to develop approximately 80 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW with single family homes, townhomes and neighborhood commercial uses. The property is proposed to be served by public roads. An Annexation petition for the entire property, and a Zoning District Amendment for a portion of this property are being considered concurrent with this petition.

Ms. Mitzi A. Baker presented the staff reports, dated March 6, 2003 and March 7, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

1161

Ms. Baker stated that she received a fax from McGhie & Betts responding to staff's analysis with regard to parkland in the staff report. She indicated that the consultant met with the Park and Recreation Department and eliminated some single-family lots on the plan to provide additional parkland. She showed where this would be located on the map.

Ms. Baker explained that the Commission could strike condition 1d listed in the general development plan staff report.

The applicant's representative, Mr. Larry Frank of Arcon Development (653 Brockton Curve, Eagan MN), addressed the Commission. He stated that Kristi Clarke planned to make a presentation, but they did not know that they would be moved to the front of the agenda and she was not at the meeting yet. He stated that he met with Denny Stotz on Tuesday and worked out an agreement to remove lots to make a larger park. He explained that the park would connect to the park in Hart Farms (north of the proposed general development plan). He explained that they made a slight revision to the easterly road that comes out onto 40<sup>th</sup> Street SW to have it line up with Windsor Lane. He stated that they plan to provide a variety of housing types. He stated that development would not occur on the property for at least one year. Also, he agreed with the staff-recommended conditions.

Mr. Haeussinger asked what types of uses could be located in the B-5 zoning district.

Mr. Frank responded that they planned to locate a daycare and small office use in the B-5 zoning district.

Mr. Quinn stated that there were questions asked with regard to upgrading 18<sup>th</sup> Avenue SW and 40<sup>th</sup> Street SW at the neighborhood meeting.

Mr. Frank stated that 40<sup>th</sup> Street SW is planned to be upgraded. However, he was unsure about 18<sup>th</sup> Avenue SW.

Mr. Haeussinger stated that he spoke with Mike Sheehan regarding 18<sup>th</sup> Avenue SW. He explained what changes were planned.

Ms. Baker explained what uses were allowed in the B-5 zoning district.

With no one else wishing to be heard, Ms. Wiesner closed the public hearings.

**Mr. Burke moved to recommend approval of Zoning District Amendment #03-08 by Arcon Development Inc. with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.**

**Mr. Burke moved to recommend approval of General Development Plan #205 by Arcon Development, Inc. to be known as Hart Farms South with the staff-recommended findings and conditions (striking condition 1d as indicated by Ms. Baker). Mr. Quinn seconded the motion. The motion carried 8-0.**

**CONDITIONS:**

- 1. The GDP shall be revised, prior to the Council meeting to include:**

- a) Dedication of a 60' ROW along the westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.
  - b) Dedication of the 60' ROW shall include sufficient area to construct the required pedestrian facilities within the right-of-way. Identify and label the required 10' wide pedestrian facilities within the right-of-way along the westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.
  - c) The proposed public street intersection with 40<sup>th</sup> Street SW, at the westerly edge of proposed Phase 3, shall be revised to align across from Windsor Hills Lane SW.
2. The property shall be platted. At the time of platting, the following shall be included:
- a) Dedication of controlled access along the westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW, with the exception of the public roadway locations approved through the GDP process.
  - b) Pedestrian facilities are required, at the Owner's expense, along both sides of all new public roads within this development. In addition, the Owner is obligated to provide a 10' foot bituminous pedestrian path along the entire westerly frontage of 18<sup>th</sup> Avenue SW and northerly frontage of 40<sup>th</sup> Street SW.
  - c) It appears that several of the blocks located within Phase 2 may exceed 800' in length, thereby requiring additional mid-block connections. Staff will address the need for additional mid-block pedestrian connections. The Owner shall be required to dedicate any mid-block pedestrian connections on separate Outlots and construct the required pedestrian path connections with the Outlots.
  - d) Grading and Drainage Plan approval is required prior to development. The GDP narrative and GDP plan indicate that on-site detention facilities shall be constructed to serve the development. These private detention facilities shall be platted as Outlots and the execution of an Ownership & Maintenance Agreement shall be required. The future property line grading abutting 40<sup>th</sup> Street SW and street elevations intersecting 40<sup>th</sup> Street SW must match the future 40<sup>th</sup> Street SW profile, as determined by the Rochester Public Utilities – Water Division.
  - e) The Developer will need to work with the County and City Public Works Department to identify final design improvements, as discussed in the Traffic Impact Review Memorandum from Charles Reiter, Senior Transportation Planner, dated March 6, 2003.
3. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements including right & left turn lanes, the proposed street intersection with 40<sup>th</sup> Street SW, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, extension of public utilities abutting properties, and stipulation for phasing of development subject to the availability of adequate public facilities.

103

4. Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated February 20, 2003.

Zoning District Amendment #03-05 by the Minnesota Department of Transportation to amend the Floodway and Flood Fringe boundaries and related 100 Year Flood Protection Elevations for a portion of Willow Creek starting at approximately 1650' north of and downstream of the flood control structure WR-6A to a point approximately 1700' feet east of and downstream of the TH 63 right of way.

Mr. John Harford presented the staff report, dated February 25, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Harford showed the FEMA flood panel of the area and described the proposed changes.

Ms. Wiesner stated that, on other side of the bridge at 40<sup>th</sup> St., SW, there is a regional storm water area. She asked if the area had been purchased.

Mr. Harford responded that he did not think it had been.

Mr. Harford stated that Mr. Tom Hexum gave him a general development plan for Maine Street showing a city pond.

Discussion ensued regarding which properties MnDOT had control of.

Ms. Wiesner expressed concern with MnDOT not having ownership of property that they are approving changes on. She stated that she was opposed to specifying what certain areas would be used for.

Mr. Harford stated that the CLOMR would be preliminary approval. The zoning map would not be amended to reflect the new boundaries right away or permits issued until approved by the City and FEMA. He explained that the City Council would see any changes in design occurring within the corridor.

Ms. Wiesner asked if the Commission would see the plans after this meeting.

Mr. Harford responded no.

Mr. Haeussinger asked if the culverts going under the present 63 interchange would be changed.

Mr. Harford responded yes.

Mr. Bill Lesmeister of, 1615 4<sup>th</sup> Avenue SW, Rochester MN, addressed the Commission. He stated that he served on the Transportation Chamber of Commerce. He stated that the Prow property is currently in litigation. He stated that it would hold up the 40<sup>th</sup> Street overpass. He questioned where the water flow would go.

164

# REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 04-07-03

165.

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-4</b>
ITEM DESCRIPTION: Zoning District Amendment #03-08 by Arcon Development, Inc. to zone approximately 18.62 acres R-2 (Low Density Residential) and 6.73 acres B-5 (Residential Commercial) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.		PREPARED BY: Theresa Fogarty, Planner

*NOTE: See CPZC minutes from previous GDP hearing.*

April 2, 2003

## City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on March 12, 2003, to consider the zone change request by Arcon Development to zone 18.62 acres to the R-2 (Low Density Residential) zoning district and 6.73 acres to the B-5 (Residential Commercial) zoning district.

The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended approval, with staff suggested findings.

Mr. Burke moved to recommend approval of Zoning District Amendment #03-08 by Arcon Development, Inc. with staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 8-0.

## Planning Department Recommendation:

See attached staff report dated March 6, 2003.

## Council Action Needed:

- 1. The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the staff report. If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law.***

## Attachments:

- Staff Report dated March 6, 2003
- Minutes of the March 12, 2003 CPZC Meeting

## Distribution:

- City Clerk
- City Administrator
- City Attorney: Legal Description attached
- Planning Department File
- Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 7, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- McGhie & Betts, Inc.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

166

Zone Change  
Hart Farm South  
700' Notification Distance  
Ward 1 Hanson  
02/12/03

HART LN SW  
HART LN SW  
HART LN SW

HART DR SW  
HART DR SW

DAVID LN SW  
DAVID LN SW

JUNIPER LN SW  
JUNIPER LN SW

HAZELWOOD LN SW  
HAZELWOOD LN SW  
BIRCHWOOD LN SW  
BIRCHWOOD LN SW  
KELSEY LN SW  
KELSEY LN SW

IRONWOOD LN SW  
IRONWOOD LN SW  
IRONWOOD LN SW

36 ST SW  
36 ST SW

IRONWOOD CT SW  
IRONWOOD CT SW

HALLING PL SW  
HALLING PL SW

36

13 AVE SW  
13 AVE SW

38 ST SW  
38 ST SW

40 ST SW  
40 ST SW

LILLIE CT SW  
LILLIE CT SW

WINDSOR HILLS LN SW  
WINDSOR HILLS LN SW

WESTMINSTER DR SW  
WESTMINSTER DR SW

WINDSOR LN SW  
WINDSOR LN SW

WINDSOR CHASE DR SW  
WINDSOR CHASE DR SW

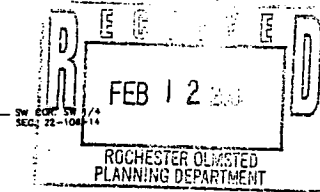
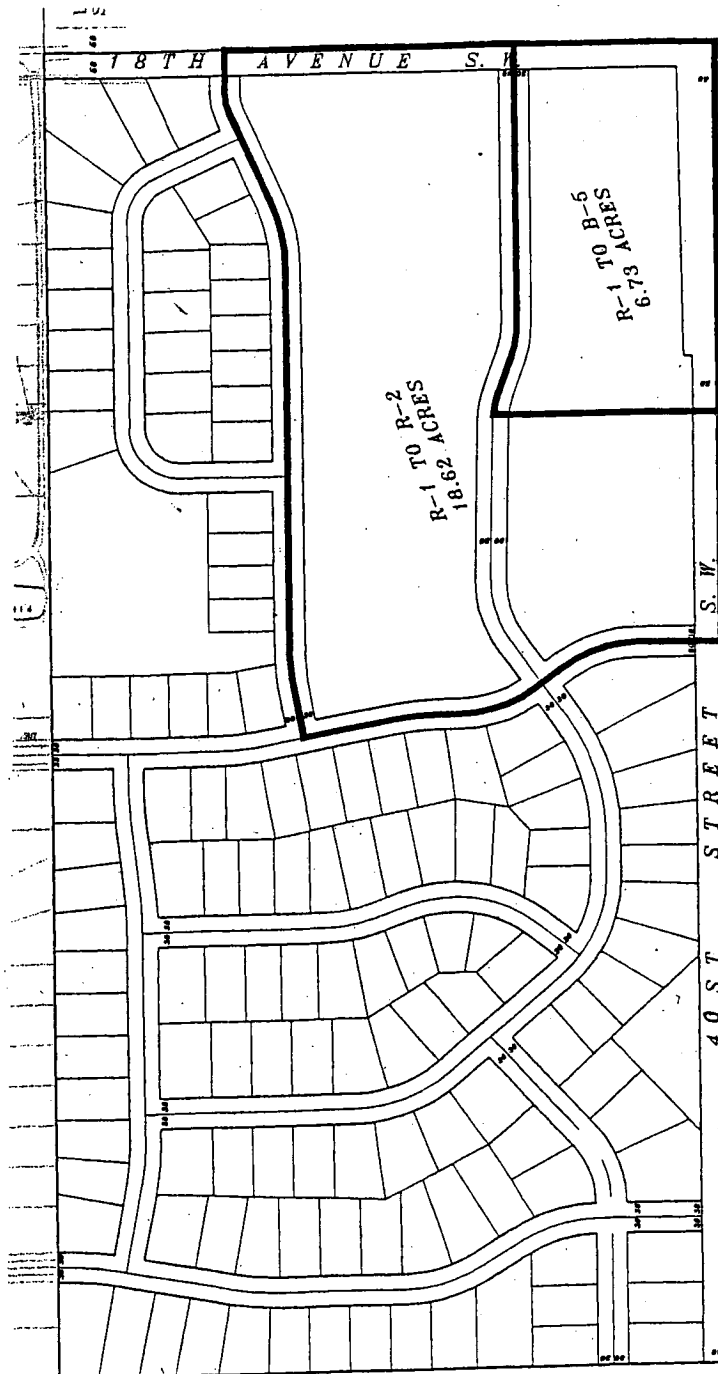
147

# EXHIBIT

DESCRIPTION: SEE ATTACHED



SCALE 1" = 300'



FOR : ARCON DEVELOPMENT, INC  
7625 METRO BLVD.  
EDINA, MN 55439

Land Surveying  
Urban-Land Planning  
Consulting - Civil Engineering

**McGhie**

Geotechnical Engineering  
Construction Material Testing  
Landscape Architecture

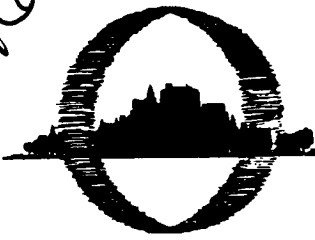
1648 Third Avenue S.E.  
Rochester, MN 55904  
Telephone 527.220.2815

SCALE:	1" = 300'
DRAWN BY:	MMM
DATE:	02/10/03
ACCT. NO.:	1204/3058
Cadd No.	2255
FILE NO.:	AK PC

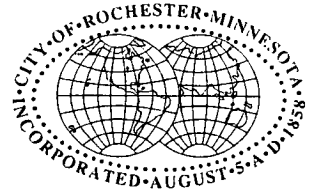
168

**ROCHESTER-OLMSTED PLANNING DEPARTMENT**

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF  
*Olmsted*



**TO: City Planning and Zoning Commission**

**FROM: Theresa Fogarty, Planner**

**DATE: March 6, 2003**

**RE: Zoning District Amendment Petition #03-08 by Arcon Development, Inc. to zone approximately 18.62 acres R-2 (Low Density Residential) and 6.73 acres B-5 (Residential Commercial) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.**

**Planning Department Review:**

**Petitioner:** Arcon Development, Inc.  
7625 Metro Boulevard, #350  
Edina, MN 55439

**Consultant:** McGhie & Betts, Inc.  
1648 Third Avenue SE  
Rochester, MN 55904

**Location of Property:** The site is located north of 40<sup>th</sup> Street SW and west of 18<sup>th</sup> Avenue SW.

**Requested Action:** The applicant requests 18.62 acres of land be rezoned from R-1 (Mixed Single Family) to R-2 (Low Density Residential) and 6.73 acres of land to B-5 (Residential Commercial), upon annexation to the City of Rochester.

**Existing Land Use:** The property is undeveloped land.

**Proposed Land Use:** An annexation petition and a General Development Plan, to be known as Hart Farm South, is being considered for this property concurrent with this zone change request.

**Adjacent Land Use and Zoning:** **North:** A platted subdivision, known as Hart Farm Subdivision, zoned R-1 (Mixed Single Family Residential) District on the City of Rochester Zoning Map.



169 -

**Adjacent Land Use and  
Zoning (Continued):**

**South:** A platted subdivision, known as Windsor Ridge Subdivision, zoned R-1 (Low Density Residential) on the Olmsted County Zoning Map.

**West:** Vacant land zoned A-2 (Agricultural Protection) District on the Olmsted County Zoning Map.

**East:** A platted subdivision, known as Lillies 1<sup>st</sup> Subdivision, zoned R-1 (Low Density Residential) on the Olmsted County Zoning Map.

**Transportation Access:**

Access to this site would be from 18th Avenue SW and 40<sup>th</sup> Street SW.

No direct access will be permitted from 18<sup>th</sup> Avenue SW or 40<sup>th</sup> Street, other than the public street access locations that are approved through the development process.

**Wetlands:**

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. There are no hydric soils within this zone change request.

**Referral Comments:**

1. Rochester Public Works Department
2. MN Department of Transportation

**Report Attachments:**

1. Proposed Zoning Map
2. Location Map
3. Referral Comments (2 letters)
4. Neighborhood Meeting notes

**Analysis for Zoning District Amendment:**

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) **The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:**
  - a) **The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;**
  - b) **The area was originally zoned erroneously due to a technical or administrative error;**
  - c) **While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or**

- D) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.**

This property is located within the boundaries of the Rochester Urban Service Area Land Use Plan. Land Use Designations within this area are considered to be "Low Density Residential". Rezoning this property to the R-2 (Low Density Residential) district and B-5 (Residential Commercial) District is consistent with the land use plan and would serve to better further the policies and goals of the Comprehensive Plan and Housing Plan. Rezoning the property promotes the development of mixed densities of residential uses & business uses and also promotes the development of affordable housing and limited low intensity business uses. In addition, it is in the public interest to rezone the property to encourage development of the area and to encourage development of housing and limited low intensity business uses that will help meet the needs of the community.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:**
- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and**

Both the R-2 and B-5 zoning will be appropriate on the subject property and compatible with adjacent properties and the neighborhood.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).**

The proposed amendment does not involve spot zoning since it is consistent with the policies of the Comprehensive Plan.

**Staff Recommendation:**

Based on the above-mentioned findings, it would appear that this zoning district amendment would meet the above criteria.

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

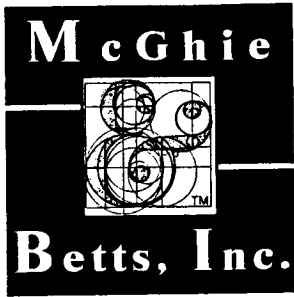
FROM: Mark E. Baker

DATE: 2/27/03

The Department of Public Works has reviewed the application for ZONE#03-08 on the Arcon Development Property (proposed as p/o Hart Farm South). The following are Public Works comments on this request:

1. No direct access will be permitted from 18<sup>th</sup> Ave SW, or 40<sup>th</sup> ST SW, other than the public street access locations that are approved through the development process. .

172



R o c h e s t e r  
M i n n e s o t a

1648 Third Avenue S.E.  
Rochester, MN 55904

Tel. 507.289.3919  
Fax. 507.289.7333  
e-mail. mcghiebetts.com  
Established 1946

March 3, 2003

Ms. Mitzi Baker  
Consolidated Planning & Zoning Department  
2122 Campus Drive SE  
Rochester, MN 55904

RE: Hart Farm South Neighborhood Meeting Notes

Dear Ms. Baker:

In accordance with Section 60.605 (B) of the amended zoning ordinance, we are submitting, on behalf of the applicant, Arcon Development, a copy of the minutes of the Neighborhood Informational Meeting which was held on February 26, 2003, 6:30 P.M. at, Bamber Valley Elementary in Rochester, Minnesota.

An attendance list is also enclosed for your reference.

If you have any questions, please contact me.

McGhie & Betts, Inc

Kristi L. Clarke, AICP  
Land Planner

Attachment

pc: Mr. Larry Frank, Arcon Development

173

**Minutes of the Neighborhood Informational Meeting for  
Hart Farm South  
On February 26, 2003, 6:30 p.m. at Bamber Valley Elementary School**

**It Attendance:** See attached attendance list

**Purpose:** The purpose of the meeting was to introduce the proposed General Development Plan and Zone Changes of R-2 on 18.6 acres and B-5 on 6.7 acres to the neighborhood and to answer questions and document concerns or issues that may need further investigation or consideration.

**General Discussion:**

Ms. Clarke, representing McGhie & Betts, Inc. introduced the General Development Plan for Hart Farm South and the process for submitting and reviewing the plans. We discussed the purpose of a neighborhood informational meeting and outlined the dates and locations of the next two public hearings to be held on March 12, 2003 and April 7, 2003. We discussed the previous submittals of the annexation on approximately 59.9 acres, the General Development Plan and the zone changes of R-1 to R-2 and R-2 to B-5 for this project.

We discussed the general location, surrounding infrastructure such as existing roads with their classifications and current and proposed utilities. We discussed the current and proposed locations for storm water ponds located within the GDP.  
We discussed the proposed uses and locations for those uses within the GDP.

R-1 zone = 51 acres, single-family homes,  
R-2 zone = 18.6 acres developed as low-density townhomes  
B-5 zone= 6.73 acres developed with one of the permitted or conditional uses within that zone. (A handout was copied from the Rochester Zoning Ordinance for the neighbors to reference to)

Ms. Clarke then introduced Mr. Larry Frank, Arcon Development as the owner and developer of this General Development Plan. Mr. Frank pointed out other Arcon projects within the City of Rochester the neighbors could visit and their company web site to review their past work. He explained that Arcon would not build the project but will be the developer for it and outline all the agreements and covenants for the project. He noted that they were the developers for Hart Farm. Mr. Frank displayed a rendering of the townhomes he intends to have built on the Hart Farm South project. He briefly outlined the various sizes of the proposed single-family lots and the proposed uses for the B-5 zone shown in the southeastern portion of the GDP, and the location of the 3-acre park on the northern edge of the property.

174

The following questions and comments were reviewed by the attendees and recorded by Ms. Clarke. Responses to the questions have been drafted and follow each question/comment.

**Questions and Answers:**

Question #1 What uses are allowed in the B-5 Zone?

Answer #1 *A copy of the Rochester City Zoning Ordinance Section 62.332 B-5 Site Appearance Standards and Section 62.331 B-5 General Zoning District Standards was handed out to the neighbors in attendance. The uses are as follows: Office, personal service, medical facility, nursing and personal care, day care facility, funeral home, substantial land alteration, sand or gravel excavation and area accessory use.*

Question #2 Does 40<sup>th</sup> Street S.W. and 18<sup>th</sup> Avenue S.W. need to be 4-lanes to adequately serve this development?

Answer #2 *Both 40<sup>th</sup> Street S.W. and 18<sup>th</sup> Avenue S.W. are currently 2-lane collector roadways, which is designed to handle 7,000 to 8,000 ADT (Average Daily Trips). 40<sup>th</sup> Street S.W. is scheduled for improvements and will be widened to handle more traffic from 18<sup>th</sup> Avenue S.W. to the interchange at Highway 63. Both of these roadways will be able to handle the increased traffic for this development.*

Question #3 A homeowner within the Lilly's Subdivision noted the current storm water runoff from the Hart Farm South property, will this increase with this development and with the new intersection proposed for 40<sup>th</sup> and 18<sup>th</sup>?

Answer #3 *We do not have the proposed construction plans from the County Engineering Department for the intersection of 40<sup>th</sup> and 18<sup>th</sup>. Our proposed GDP only shows the additional R.O.W. needed for the improvements. Our GDP shows a storm water detention pond near the intersection of 40<sup>th</sup> and 18<sup>th</sup> that will be designed to handle the storm water capacity needed for this area and will not adversely affect the properties to the east or the south.*

Question #4 Will traffic on 18<sup>th</sup> Avenue S.W. increase with this development? Are their improvements for 18<sup>th</sup> Ave. S.W. planned?

Answer #4 Traffic will increase for both 40<sup>th</sup> Street S.W. and 18<sup>th</sup> Ave. S.W. We do not know if 18<sup>th</sup> Avenue is scheduled to be improved in the near future. We will contact the County Engineering Department tomorrow and have that answer for you. Please give me a call later in the day tomorrow. As

we stated early, the ADT for this project will not reach the 7,000 to 8,000 designed capacity for either of the collector roads that will be used for this project. Mr. Charlie Reiter from the City of Rochester will be looking at the increased numbers and trips and giving our office a formal report sometime in the near future.

Question #5 Will the townhomes be owner-occupied or rentals?

Answer #5 *All of the townhomes will be owner-occupied*

Question #6 I think the density of the townhomes with the R-2 zone should be rethought given the current traffic along 18<sup>th</sup> Avenue.

Answer #6 *The proposed density for the townhomes are about 7 to 8 units per acres. The City of Rochester encourages a mixed use of residential land uses and promotes mixed developments. The southeast corner of this property is a good location for townhomes and will provide a good buffer for the single-family homes to the north while reducing the need for individual driveways along 40<sup>th</sup> Street and 18<sup>th</sup> Ave.*

Question #7 What is the proposed timing for this plan?

Answer #7 *We will complete Hart Farm 2<sup>nd</sup> and Hart Farm 3<sup>rd</sup> before starting to develop the Hart Farm South plan. We might get started as early as Spring of 2004 or more likely Spring of 2005. We will probably start with the single-family homes and a row of townhomes at the northeast end of the property.*

Question #8 Will the adjacent land uses be reviewed during the approval process?

Answer #8 *Yes*

Question #9 Are their height limits for the buildings within the B-5 zone?

Answer #9 *Yes, the maximum permitted height within this zone is 24' or roughly 2 stories. This use is very restrictive zone so as to fit into the proposed residential district it is intended to be adjacent to.*



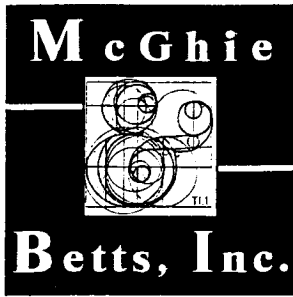
176

# Attendance Roll

## NEIGHBORHOOD MEETING

**PROJECT:** HART FARM SOUTH  
ARCON DEVELOPMENT  
**DATE:** Wednesday, February 26, 2003  
**TIME:** 6:30 P.M.  
**PLACE:** Bamber Valley Elementary School Cafeteria

NAME	ADDRESS	PHONE NO./FAX NO.
1. Jim Jahnke	4005 Windsor Lane SW	<sup>3528</sup> 281-3528
2. Frank Peter	1615 40th SW	288-8841
3. Darlene Peter	1615 40th SW	288-8891
4. Tom Louks	407 21st ST S.W. <del>3831 18th Ave SW</del>	252-0425
5. Steve Dally	4005 Windsor Ln SW	288-8536
6. Paul Schep	3811 Lillie Ct. S.W.	281-4382
7. Shantel Pace	4115 Windsor Lyr SW	288-5005
8.		
9.		
10.		
11.		
12.		
13.		
14.		



177

Rochester  
Minnesota

TO: LARRY FRANK  
FROM: KRISTI CLARKE  
DATE: FEBRUARY 27, 2003  
RE: ATTENDANCE ROLL OF HART FARM SOUTH MEETING

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

Here are the names, addresses and phone numbers of the attendees at last night's meeting at Bamber Valley School elementary cafeteria.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Jim Jahnke	4005 SW Windsor Lane	281-3528
Frank Peters	1615 SW 40 <sup>th</sup> Street	288-8891
Darlene Peters	1615 SW 40 <sup>th</sup> Street	288-8891
Tom Louks	407 SW 21 <sup>st</sup> Street	252-0425
Steve Dahlby	4015 SW Windsor Lane	288-8536
Paul Schaefer	3811 SW Lillie Court	281-4382
Guhaul O. Pax	4115 SW Windsor Lane	288-2005

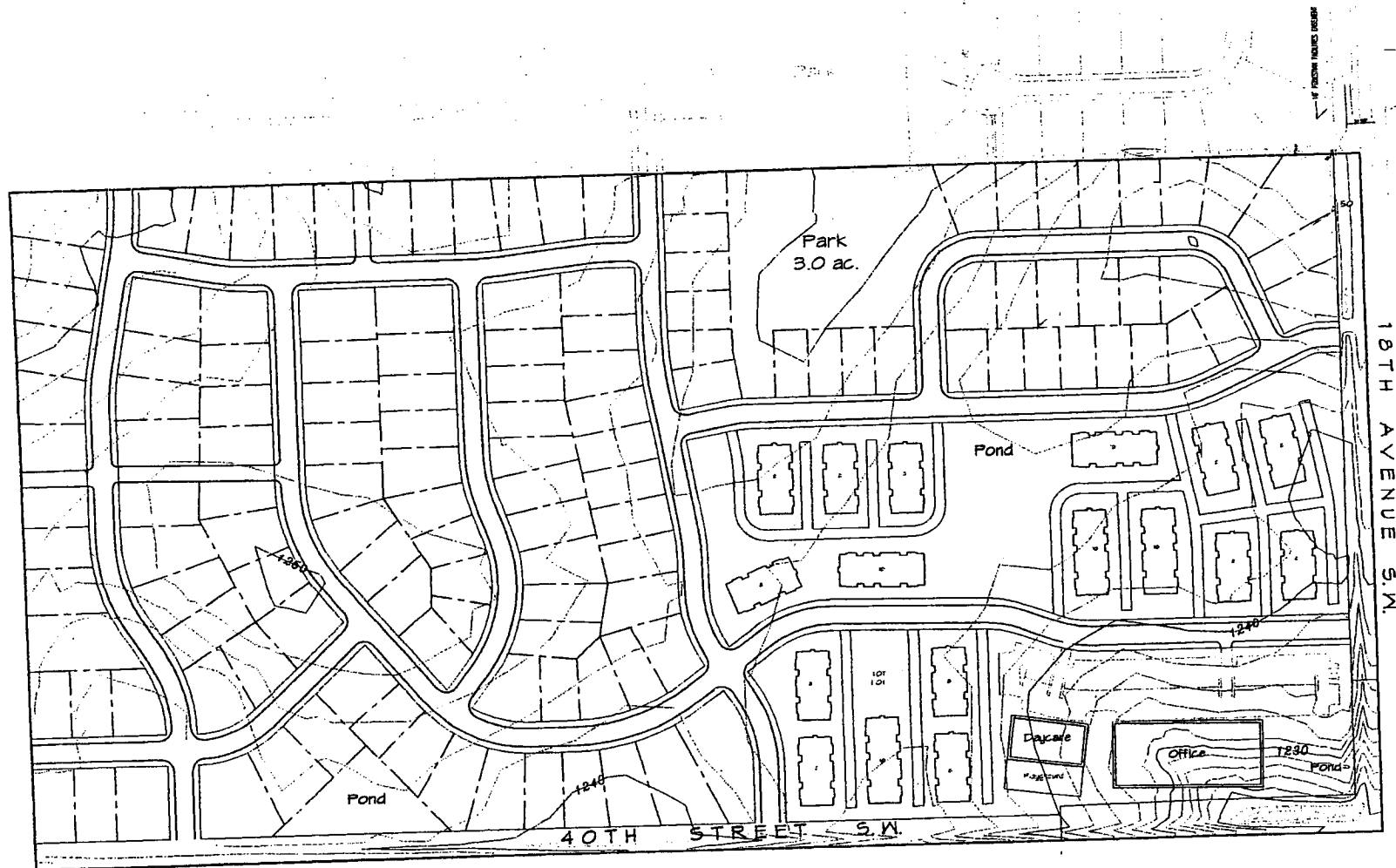
1648 Third Avenue S.E.  
Rochester, MN 55904

Tel. 507.289.3919  
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946

178



# General Development Plan Hart Farm South

## Development Summary:

Total Area	80 ac.
Residential	73 ac.
Single Family	134 homes
Townhomes	146 homes
Commercial	6.7 ac.
Park	3.0 ac.



1440 Third Avenue S.E.  
Boulder, CO 80504  
Telephone: 303.440.2010  
Facsimile: 303.440.1000

SCALE: 1" = 100'



## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 04-07-03

179

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-5</b>
ITEM DESCRIPTION: Annexation Petition #03-07 by Merl Groteboer to annex approximately 59.99 acres of land located along the north side of 40 <sup>th</sup> Street SW and along the west side of 18 <sup>th</sup> Avenue SW. The property is located in a part of the South ½ of the SW ¼ of Section 22 of Rochester Township.		PREPARED BY: Theresa Fogarty, Planner

April 1, 2003

### City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on March 12, 2003. The Commission found that this property is adjacent to the City limits and can be served by city services upon extension of the water line from the Hart Farm Subdivision to the north and to the east along the east side of 18<sup>th</sup> Avenue SW. The Planning Commission therefore recommends approval of this request.

**Mr. Hauessinger moved to recommend approval of Annexation Petition #03-07 by Merl Groteboer as recommended by staff. Mr. Quinn seconded the motion. The motion carried 7-1, with Mr. Staver voting nay.**

### Planning Department Recommendation:

See attached staff report, dated March 6, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2002 is \$126.54.

### Council Action Needed:

1. Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning. The Annexation should specify that a portion of the property is to be zoned consistent with a decision on Zoning District Amendment #03-08.

### Attachments

1. Staff report, dated March 6, 2003.
2. Copy of the minutes of the March 12, 2003, CPZC meeting

### Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 7, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. McGhie & Betts, Inc.

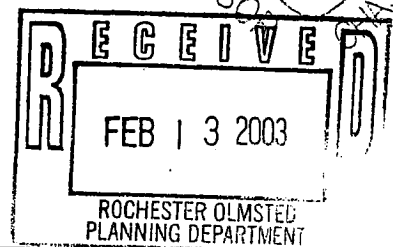
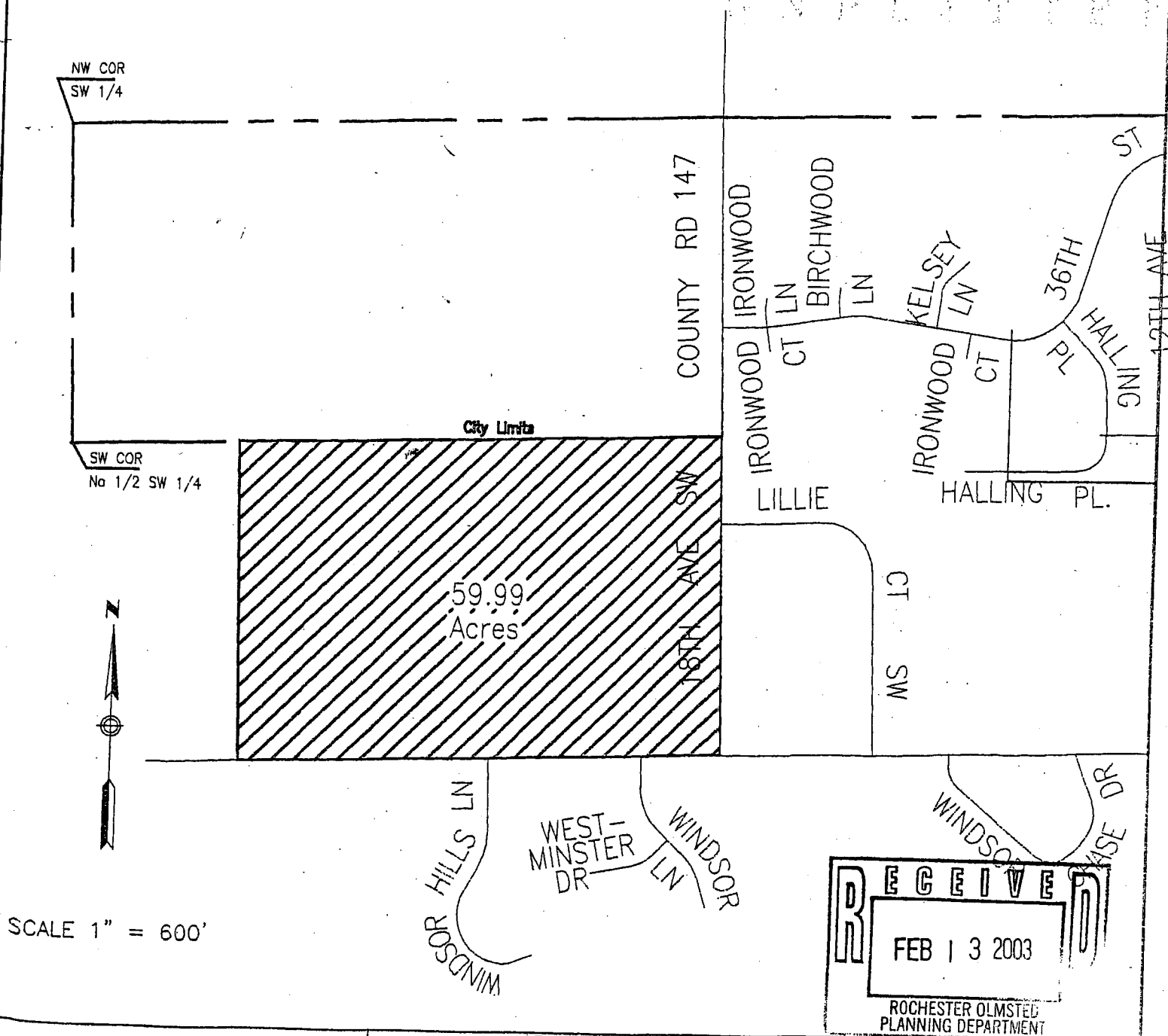
**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

180

# ANNEXATION EXHIBIT

## DESCRIPTION:

THE EAST 1983.34 FEET OF THE SOUTH  
HALF OF THE SOUTHWEST QUARTER  
OF SECTION 22, TOWNSHIP 106 NORTH,  
RANGE 14 WEST, OLMSTED CO., MN.



FOR:  
Arcon Development  
7625 Metro Blvd.  
Suite # 350  
Edina, MN 55439

McGhie  
Consulting Engineers



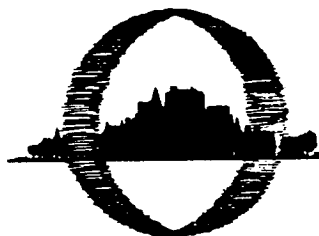
Betts, Inc.  
Land Surveyors

SCALE: 1" = 600'

DRAWN BY: KLC

DATE: 1/20/03

ACCT. NO.: 1204/3058

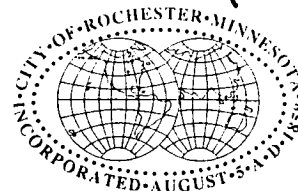


## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*



**TO:** City Planning and Zoning Commission

**FROM:** Theresa Fogarty, Planner

**DATE:** March 6, 2003

**RE:** Annexation Petition #03-07 by Merl Groteboer to annex approximately 59.99 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW. The property is located in a part of the South ½ of the SW ¼ of Section 22 of Rochester Township.

### Planning Department Review:

**Applicants/Owners:**

Arcon Development, Inc.  
7625 Metro Boulevard  
Edina, MN 55439

Merl Groteboer  
140 Elton Hills Drive NW  
Rochester, MN 55901

**Consultant / Engineer:**

McGhie & Betts, Inc.  
1648 Third Avenue SE  
Rochester, MN 55904

**Location of Property:**

The property is located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW.

**Existing Land Use:**

This property is currently undeveloped land.

**Size:**

The property proposed for annexation is approximately 59.99 acres of unplatted land.

**Existing Zoning:**

The property is zoned A-2 (Agricultural Protection) District on the Olmsted County zoning map.

**Future Zoning:**

Upon annexation, the property will be zoned R-1 (Mixed Single Family Residential) district on the Rochester zoning map. A General Development Plan and Zoning District Amendment request will be considered concurrently with this annexation petition. The applicant has petitioned to amend the zoning district on 18.62 acres of this property to R-2 (Low Density Residential) and 6.73 acres of this property to B-5 (Residential Commercial).



**Land Use Plan:**

The property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan.

**Adjacency to the Municipal Limits:**

The property is adjacent to the city limits at its north boundary.

**Sewer & Water:**

This area is within the South West High Level Water System Area, which is currently available to the north from the Hart Farm Subdivision and to the east along the east side of 18<sup>th</sup> Avenue SW.

Gravity sanitary sewer is not currently available to serve the entire property.

**Utilities:**

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

**Townboard Review:**

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Monday, April 7, 2003. The City Clerk has sent the certified 30 day notice.

**Referral Comments:**

1. Rochester Public Utilities - Water Division
2. Rochester Public Works
3. MN Department of Transportation
4. Rochester Fire Department

**Report Attachments:**

1. Annexation Map / Location Map
2. Referral Comments (4 letters)

**Staff Recommendation:**

This property is adjacent to the City limits and can be served by city services upon extension of the water lines from the Hart Farm Subdivision to the north and to the east along the east side of 18<sup>th</sup> Avenue SW. A portion of the property may be served with gravity sanitary sewer. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

***The City Planning and Zoning Commission recommendation shall include a portion this property (18.62 acres) to be zoned R-2 (Low Density Residential) and (6.73 acres) to be zoned B-5 (Residential Commercial), as requested in Zone Change Petition #03-08, upon annexation.***



183

February 20, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Annexation Petition #03-07 by Merl Groteboer to annex 59.66 acres of land located along the north side of 40<sup>th</sup> St. SW and west of 18<sup>th</sup> Ave SW.

Dear Ms. Garness:

Our review of the referenced petition is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. This area is within the South West High Level Water System Area, which is currently available to the north from the Hart Farm Subdivision and to the east along the east side of 18<sup>th</sup> Ave SW.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention  
Arcon Development, Inc.  
Merl Groteboer  
McGhie & Betts, Inc.

184

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

Date: 2/25/03

The Department of Public Works has reviewed the requested application for Annexation #03-07 on the Groteboer Property (p/o proposed Hart Farm South). The following are Public Works comments on the proposal:

1. Gravity Sanitary Sewer is not currently available to serve the entire property.

185

Ms. Petersson moved to recommend approval of Annexation Petition #03-06 by Charlyne Burks as recommended by staff. Mr. Haeussinger seconded the motion.

Mr. Staver discussed whether or not annexations shouldn't receive more scrutiny from the Planning Commission. He discussed whether or not they should be approved if police and fire cannot serve the areas in question.

The motion carried 7-1, with Mr. Staver voting nay.

\* Annexation Petition #03-07 by Merl Groteboer to annex approximately 59.99 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW. The property is located in a part of the South ½ of the SW ¼ of Section 22 of Rochester Township.

Mr. Staver stated that he would not vote in favor of the annexation, since he believes they need to support efforts to manage growth. He indicated that he was not discussing a moratorium.

Ms. Wiesner asked if the process of annexation or general development plan concerned Mr. Staver.

Mr. Staver responded that the annexation was the first step in terms of infrastructure.

Mr. Haeussinger stated that the capacity of fire protection and police staffing needed to be taken into consideration with regard to growth as well as city services.

Mr. Haeussinger moved to recommend approval of Annexation Petition #03-07 by Merl Groteboer as recommended by staff. Mr. Quinn seconded the motion. The motion carried 7-1, with Mr. Staver voting nay.

#### PUBLIC HEARINGS:

Zoning District Amendment #03-08 by Arcon Development Inc. to zone approximately 18.62 acres R-2 (Low Density Residential) and 6.73 acres B-5 (Residential Commercial) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.

**AND**

General Development Plan #205 by Arcon Development, Inc. to be known as Hart Farms South. The Applicant is proposing to develop approximately 80 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW with single family homes, townhomes and neighborhood commercial uses. The property is proposed to be served by public roads. An Annexation petition for the entire property, and a Zoning District Amendment for a portion of this property are being considered concurrent with this petition.

Ms. Mitzi A. Baker presented the staff reports, dated March 6, 2003 and March 7, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

192

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4-7-03

187

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-6
ITEM DESCRIPTION: Amendment to General Development Plan #160 known as Stonehedge (formerly Plateau Estates).		PREPARED BY: Mitzi A. Baker, Senior Planner

March 31, 2003

**City Planning and Zoning Commission Recommendation:**

The Planning and Zoning Commission held a public hearing on this item on March 12, 2003.

Mr. Burke moved to recommend approval of Amendment to GDP #160 known as Stonehedge Estates with staff recommended findings and conditions. Mr. Hodgson seconded the motion. The motion carried 8-0. The commission recommended the following conditions/modifications:

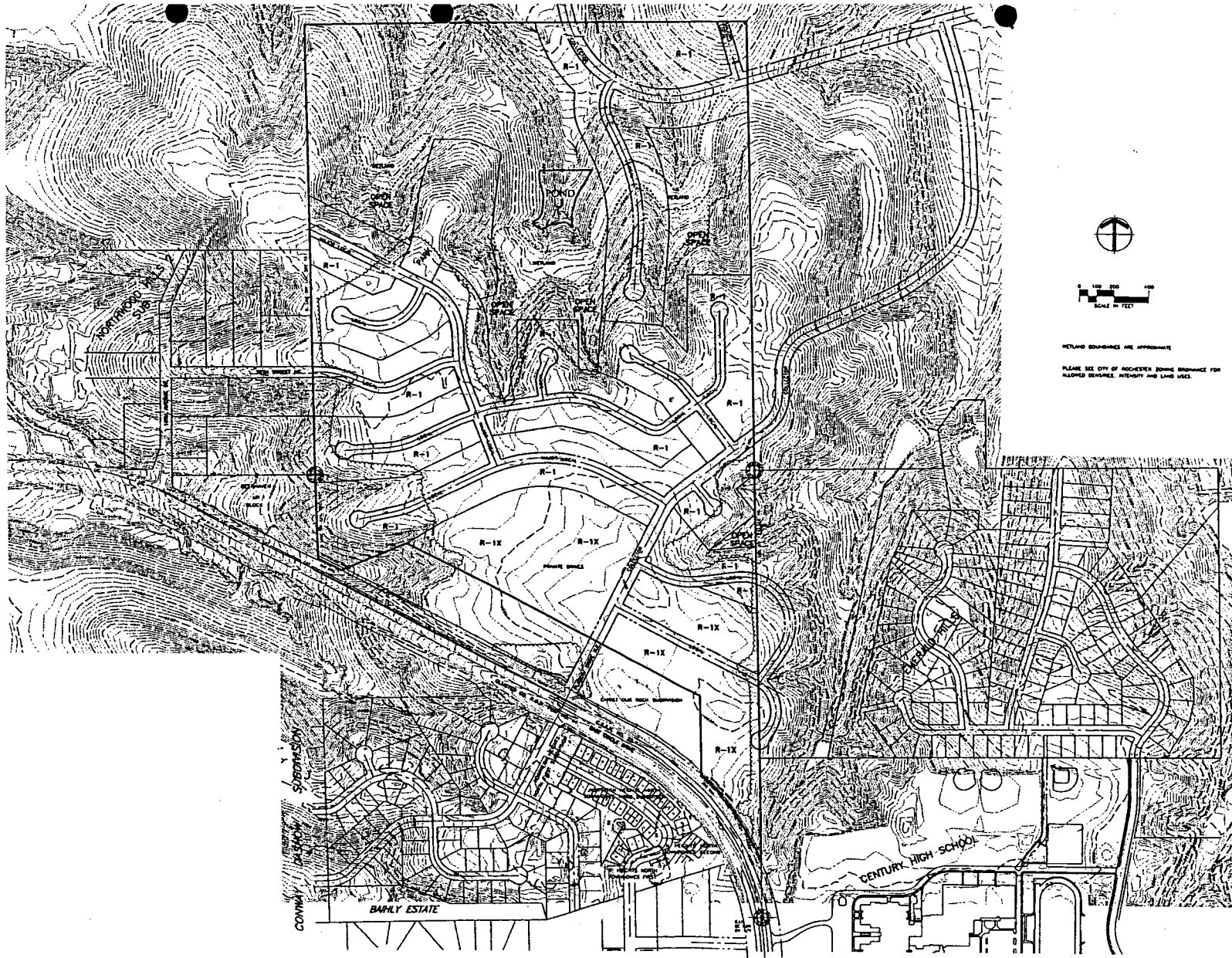
1. *At the time of platting, the developer shall address the long term maintenance and ownership of Outlots that will not be dedicated to the City.*
2. *At the time of platting, controlled access will need to be dedicated along East Circle Drive (CSAH 22). The developer is responsible for right and left turn lanes from CSAH 22 to Plateau Drive NE and the construction of a trail facility along CSAH 22 where the property abuts CSAH 22.*
3. *Access shall be provided to the future pond/open space area, from the west.*
4. *A second access will need to be provided before the City authorizes any construction that would be projected to generate traffic in excess of 1200 average daily trips through the one access to East Circle Drive (CSAH 22).*
5. *The looped local roadway shown on the east side of the development will need to be modified to meet design requirements, as specified by Rochester Public Works.*
6. *Parkland dedication shall be met via dedication of the public open space/park area identified in the northern portion of the GDP, subject to meeting the requirements of the Park Department as outlined in the February 19, 2003 memorandum from Rochester Park and Recreation.*
7. *If the Wetland identified in the open space area is determined to be a Calcareous Fen, a Fen Management Plan may be required. This GDP shall be modified as necessary to comply with the management plan (i.e. pre-treatment of stormwater prior to discharge toward the Wetland may required).*

**Council Action Needed:**

1. *If the Council wishes to approve the General Development Plan it should instruct the City Attorney to prepare a resolution, with findings, for Council approval.*

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

881

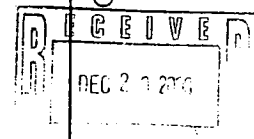


WETLAND BOUNDARIES ARE APPROXIMATE  
 PLEASE SEE CITY OF ROCHESTER BOUNDING BOUNDARIES FOR  
 ADJACENT BOUNDARIES, INTENSITY AND LAND USES.



**YAGGY COLBY ASSOCIATES**  
 ENGINEERS ARCHITECTS  
 SURVEYORS PLANNING  
 LANDSCAPE ARCHITECTS  
 717 THIRD AVENUE, SUITE 401  
 ROCHESTER, MINNESOTA 55901  
 507.251.1000  
 FAX 507.251.1001  
 E-MAIL: INFO@YCA.COM

**PLATEAU ESTATES**  
 ROCHESTER, MINNESOTA  
**GENERAL DEVELOPMENT PLAN**



PROJECT NUMBER	71-24
CON-PLUTER FILE	71-2400-3.DWG
DATE	11/19/10
DRAWN BY	JMM
CHECKED BY	MS
APPROVED BY	11/19/10

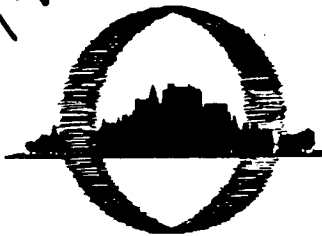
SHEET NUMBER  
**1**  
 OF ONE SHEETS

**RECEIVED**

**PREVIOUSLY APPROVED GDP**

189

190



# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



**TO:** City Planning and Zoning Commission

**FROM:** Mitzi A. Baker, Senior Planner

**DATE:** March 6, 2003

**RE:** Amendment to General Development Plan #160 known as Stonehedge (formerly Plateau Estates).

## Planning Department Review:

**Petitioner:** Stonehedge Land Development LLC  
5 Kurths Bay Court NE  
Rochester, MN 55906

**Consultant:** Yaggy Colby Associates  
717 Third Ave. SE  
Rochester, MN 55904

**Location of Property:** The property is located north of east Circle Drive (CSAH 22), west of Century High School and east of the Deerhaven Development.

**Proposed Use:** The General Development Plan includes approximately 208 acres of land. A portion of the property has been platted and partially developed with single family homes and townhomes. This GDP includes single family homes, low density residential in the R-1X district, open space, parkland and public and private roads.

**Land Use Plan:** The Rochester Urban Service Area Land Use Plan designates this property as suitable for "low density residential" types of development.

**Zoning:** Much of this property is already annexed to the City, with a portion of the property going through the annexation process at this time. Most of the property is, or will be, zoned R-1 (Mixed Single Family), with a portion zoned R-1x (Mixed Single Family Extra).

**Streets:** The GDP proposes to take access from East Circle Drive via Plateau Drive NE. The plan allows for the northerly extension of Plateau Drive NE, a collector roadway. The collector roadway shown will eventually link with 48<sup>th</sup> Street NE. The plan also allows for a connection to the properties to the north, east and west. The main access for the development is Plateau Drive NE. Once the development of the property reaches 1,200 average daily trips, a secondary access will be required if one is not already provided. The plan identifies a north/south collector roadway through the property,



191

which is consistent with the Currently Valid Thoroughfare Plan.

Both public and private roads are proposed within the development. Private roadways will serve the proposed R-1X zoned land. Any private drive access serving more than 4 units will need to meet the spacing standards for roadways.

**Sidewalks:**

Pedestrian facilities will be required along all roadways within the development. Provisions for development of a trail facility will need to be accommodated in the southwest and southeast corner of the site where the property abuts East Circle Drive. On East Circle Drive between Viola Road and TH 63 there is a trail designated a trail on the north side of the corridor. Planning Department Transportation staff also recommends that accommodations for bicycle travel be provided along the proposed collector roadway.

**Drainage:**

The General Development Plan identifies existing topography. The property generally drains to the north. The plan proposes a storm water detention pond in the north central portion of the property. Any on-site stormwater facilities serving 50 developable acres or less will remain private and execution of a long-term maintenance agreement will be required. The developer will be subject to a stormwater management fee for all areas that do not drain to an on-site stormwater facility.

Detailed grading and drainage plans will also be required when the property is platted or developed.

**Wetlands:**

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. According the GDP, wetlands have been identified and are identified on the property. A wetland delineation report will need to be filed with the City and necessary permits obtained. The Decorah Edge Groundwater Recharge Area is present within this property. This area is mostly found in the northern portion of the site.

**Public Utilities:**

Services are, or will be, available to serve this property. The development of the northern portion of the property may be dependent on the availability of sanitary sewer and water service extensions from the north and west. The City is planning on placing a new water system well in this area. Due to the growth levels in the High Level Area, it is anticipated that drilling for this well would occur in 2001, bringing it online in 2002.

**Parkland Dedication:**

The Park and Recreation Department recommends that the parkland dedication requirements for this development be in the form of land. The dedication requirement will be approximately 8 acres, with at least half the dedicated land having a natural slope of 4% or less, non-wooded and not be located in an existing watercourse, floodway, wetland or water ponding area.

**Environmental  
Review:**

A mandatory EAW was previously completed for this property.

192

- Report Attachments:**
1. Copy of General Development Plan
  2. Previously approve GDP
  3. Referral Comments

**Summary:**

A GDP was approved for this property in February 2001. The applicant is now proposing to amend the GDP to modify roadway alignments, eliminate cul-de-sacs, add a roadway to the north where previously not shown, eliminate a roadway to the north previously shown which was may be a Calcareous Fen Wetland, and re-locate future parkland. A final determination on the Wetland Type is expected sometime this summer.

This GDP includes approximately 208 acres of land to be developed with low density residential development consisting of single family detached homes and townhomes. Both private and public roadways are proposed for the development. The private roads are proposed to serve the townhome areas, while public roads are proposed to serve the detached single family portion of the development.

The General Development Plan has been laid out consistent with the Thoroughfare Plan, which identifies a future collector road extending north of Circle Drive across this property to eventually link with 48<sup>th</sup> St NE. Roadway alignments shown outside of this property are conceptual only. Separate GDP's will need to be filed on adjacent properties.

Controlled access is indicated consistent with access management goals along East Circle Drive. The use of a temporary access to CSAH #2 in the southeast corner of the development will require further review and permitting by the County Engineer. Consistent with preliminary analysis completed as part of the Circle Drive Traffic Management Study currently under development, the intersection of Plateau Drive and East Circle Drive would be signalized in the future when warrants for a signal are met. The applicant will be expected to contribute towards the cost of a future traffic signal installation at this location as part of the Development Agreement for the site.

A second access will need to be provided before the City authorizes any construction that would be projected to generate traffic in excess of 1200 average daily trips through the one access to East Circle Drive (CSAH 22).

**Criteria & Staff Suggested Findings:**

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became affective May 15, 1999).

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

***This GDP proposes a low density residential development, which is consistent with the land use designation for the property. The proposed R-1X (Mixed Single Family Extra) zoning for the townhome development portion of the development is also consistent with the land use designation for the property.***

193

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

***The GDP identifies the future collector roadway (Plateau Drive) that will eventually extend from East Circle Drive to 48<sup>th</sup> Street NE.***

***In order to facilitate safe ingress into the development right and left turn lanes will be required from East Circle Drive (CSAH 22) to Plateau Drive NE at time of development. The applicant will be expected to contribute towards the cost of a future traffic signal installation at this location as part of the Development Agreement for the site.***

***The developer will need to work with Haverhill Township on the roadway connection to 35<sup>th</sup> Street NE, which would be a secondary access for the development. This connection would be necessary in order for the developer to continue development once there is 1,200 average daily trip through one access point if a secondary access is not provided elsewhere.***

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

***The development density is consistent with a low density residential land use designation of the Land Use Plan. The GDP promotes the development of mixed densities and housing styles. The policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan encourage developing a range of densities and development styles. This development will help to further the goals and policies of the Land Use Plan and also those found within Chapter 3 of the Housing Plan.***

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

***The General Development Plan identifies a future collector road extending north of Circle Drive across this property to eventually link with 48<sup>th</sup> St NE, which is consistent with the intent of the Thoroughfare Plan to provide a collector road connection between these roadways. Controlled access is indicated consistent with access management goals along East Circle Drive. The use of a temporary access to CSAH #2 in the southeast corner of the development will require further review and permitting by the County Engineer. Consistent with preliminary analysis completed as part of the Circle Drive Traffic Management Study currently under development, the intersection of Plateau Drive and East Circle Drive would be signaled in the future when warrants for a signal are met. The applicant will be expected to contribute towards the cost of a future traffic signal installation at this location as part of the Development Agreement for the site.***

***Provisions for development of a trail facility will need to be accommodated in the southwest and southeast corner of the site where the property abuts East Circle Drive. East Circle Drive between Viola Road and TH 63 is designated for development of a trail along the north side of the corridor, parts of which are already in place east of Broadway. We would also recommend that accommodations for bicycle travel also be provided along the proposed collector street. This should be worked out in consultation with the City Public Works Department as part of the Development Agreement. Options would include either an off-street trail or design of a roadway cross-section that would provide for a dedicated bicycle lane in each direction of travel.***

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

***The General Development Plan identifies a future collector road extending north of Circle Drive across this property to eventually link with 48<sup>th</sup> St NE, which is consistent with the intent of the Thoroughfare Plan to provide a collector road connection between these roadways. Controlled access is indicated consistent with access management goals along East Circle Drive. The use of a temporary access to CSAH #2 in the southeast corner of the development will require further review and permitting by the County Engineer. Consistent with preliminary analysis completed as part of the Circle Drive Traffic Management Study currently under development, the intersection of Plateau Drive and East Circle Drive would be signalized in the future when warrants for a signal are met. The applicant will be expected to contribute towards the cost of a future traffic signal installation at this location as part of the Development Agreement for the site.***

***A secondary access will need to be provided before the City authorizes any construction that would be projected to generate traffic in excess of 1200 average daily trips through the one access to East Circle Drive (CSAH 22).***

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate

195

to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

***A portion of this GDP has been platted and developed. Services are, or will be available to serve the remainder of this property. Sanitary sewer and water service is available at the southwest corner of the site. Water service is also available at the intersection of East Circle Drive and Plateau Drive NE. The applicant's phasing plan indicates development starting in the south and working towards the north. The development of the northern portion of the property will be dependent on the availability of sanitary sewer and water services extensions from the north and west. Part of this development does flow northerly into the Hadley Valley sewer district. When the developers reach the location in the development, due to the elevation, that can no longer be served by the SW sewer the Developer may either postpone development and wait for the Hadley Valley Sewer or the developer may request the area to be served with a private lift station. The request for use of a private lift station will be reviewed at the time of request for determination of adequate capacity in the downstream system.***

***The City has installed a new water system well in this area to serve the High Level Area. Service lines from the well will be installed in the near future.***

***The watermains in the cul-de-sac streets must be looped where practical and extensions to adjacent properties will be required.***

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

***Pedestrian facilities will be required along all public roadways. Provisions for development of a trail facility will need to be accommodated in the southwest and southeast corner of the site where the property abuts East Circle Drive. East Circle Drive between Viola Road and TH 63 is designated for development of a trail along the north side of the corridor, parts of which are already in place east of Broadway. It is also recommended that accommodations for bicycle travel also be provided along the proposed collector street. This should be worked out in consultation with the City Public Works Department as part of the Development Agreement. Options would include either an off-street trail or design of a roadway cross-section that would provide for a dedicated bicycle lane in each direction of travel bicycle lane in each direction of travel.***

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

***The plan proposes a storm water detention pond in the north central portion of the property. Any on-site stormwater facilities serving 50 developable acres or less will remain private and execution of a long term maintenance agreement will be required. The developer will be subject to a stormwater management fee for all areas that do not drain to an on-site stormwater facility.***

***Detailed grading and drainage plans will also be required when the property is platted or developed.***

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

***The lot, block layout and lot density for the development appear to be generally consistent with the Subdivision Design Standards. Specific lot and block layouts will be reviewed at the time the property is platted. The proposed densities are compatible with existing and planned development of other parcels in the area. Any private drive access serving more than 4 units will need to meet the spacing standards for roadways***

**Previous Approval:**

This GDP was previously approved in February 2001 subject to the following conditions/modifications:

1. *The General Development Plan shall be revised as follows, and a revised Plan shall be filed with the Planning Department:*
  - *Creating a public park that meets the dedication requirements outlined in the memo dated December 27, 2000 from the Park and Recreation Department.*
2. *Parkland dedication for this development shall be met via a combination of land and cash in lieu of land as outlined in the December 27, 2000 memo from Rochester Park and Recreation.*
3. *Prior to platting this property, the applicant shall complete a Wetland Delineation and submit it to the LGU for review and approval*
4. *Storm Water Management must be provided for this development. Any on-site stormwater facilities serving 50 developable acres or less will remain private, and execution of a long term maintenance and ownership agreement will be required. All required private stormwater facilities must be constructed concurrent with the initial stages of the development. The developer is subject to a Stormwater Management fee for all areas that do not grade to an on-site stormwater facility.*
5. *Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, phasing this development, Traffic Improvement District (TID) charges, stormwater management, park dedication, traffic improvements, pedestrian facilities (sidewalks/possible bicycle lane along the collector roadway), right-of-way dedication, extension of utilities and contributions for public infrastructure.*
6. *At the time of platting, the developer shall address the long term maintenance and ownership of the "open space".*
7. *At the time of platting, the developer will need to address Section 64.227 (Trail Thoroughfares and Sidewalks) of the Zoning Ordinance and Land Development Manual. Mid-block pedestrian connections will need to be provided.*

197 -

8. *At the time of platting, controlled access will need to be dedicated along East Circle Drive (CSAH 22). The developer is responsible for right and left turn lanes from CSAH 22 to Plateau Drive NE and the construction of a trail facility along CSAH 22 where the property abuts CSAH 22.*
9. *A secondary access will need to be provided before the City authorizes any construction that would be projected to generate traffic in excess of 1200 average daily trips through the one access to East Circle Drive (CSAH 22). The GDP shows a connection to 35<sup>th</sup> Street NE (a township roadway); this connection must be worked out with Haverhill Township prior to the platting of Phase I.*

**Recommendation:**

Based on the applicable criteria, staff would recommend that the following conditions should be imposed in order to assure compliance with the Rochester Zoning Ordinance and Land Development Manual:

1. ***At the time of platting, the developer shall address the long term maintenance and ownership of Outlots that will not be dedicated to the City.***
2. ***At the time of platting, controlled access will need to be dedicated along East Circle Drive (CSAH 22). The developer is responsible for right and left turn lanes from CSAH 22 to Plateau Drive NE and the construction of a trail facility along CSAH 22 where the property abuts CSAH 22.***
3. ***Access shall be provided to the future pond/open space area, from the west.***
4. ***A second access will need to be provided before the City authorizes any construction that would be projected to generate traffic in excess of 1200 average daily trips through the one access to East Circle Drive (CSAH 22).***
5. ***The looped local roadway shown on the east side of the development will need to be modified to meet design requirements, as specified by Rochester Public Works.***
6. ***Parkland dedication shall be met via dedication of the public open space/park area identified in the northern portion of the GDP, subject to meeting the requirements of the Park Department as outlined in the February 19, 2003 memorandum from Rochester Park and Recreation.***
7. ***If the Wetland identified in the open space area is determined to be a Calcareous Fen, a Fen Management Plan may be required. This GDP shall be modified as necessary to comply with the management plan (i.e. pre-treatment of stormwater prior to discharge toward the Wetland may required).***

198

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 2/27/03

The Department of Public Works has reviewed the application for **REVISED** General Development Plan #160, for proposed Stonehedge. The following are Public Works comments on the plan revisions:

1. There was a wetland indicated on the original GDP plan in the open space area toward the northwest corner of this property. This wetland is not shown on the revised plan and it should be clarified whether or not this area is a wetland.
2. Adequate vehicular access is required to maintain the stormwater detention facility indicated on the GDP plan.
3. The proposed north/south collector, northeast of this development is limited to a maximum slope of 8% (Ord. 64.222), and the proposed north/south major local is limited to a maximum 10% slope.
4. The loop road on the east side of the proposed north/south collector should intersect at 90 degrees for a minimum of 50 feet from the intersections.



## ROCHESTER PARK AND RECREATION DEPARTMENT

February 19, 2003

TO: Jennifer Garness  
Planning

RE: Amendment to GDP #160 Stonehedge Estates

The relocation of the neighborhood park is acceptable to the Park Department assuming that the following conditions are met: "Parkland dedication for the development is to include 8 acres of land area of which  $\frac{1}{2}$  of the area (4.0 acres) shall have slopes of 4% or less, be non-wooded and not located within the drainage facilities. The park area can include up to 300' of roadway frontage".

The applicant's consultant has indicated that the park site will be graded to meet these conditions.

200

## WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: GDP # 160 - Stonehedge Estates

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☒ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

**Any further impacts will require additional wetland applications.**



The hand to reach for...  
**DAVID A. KAPLER**  
Fire Chief

DATE: February 24, 2003  
TO: Jennifer Garness, Planning  
FROM: R. Vance Swisher – Fire Protection Specialist  
SUBJECT: Amendment to General Development Plan #160, Stonehedge Estates (Formally Plateau Estates).

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
  2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
  3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
  4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division  
Stonehedge Land Development, LLC – 5 Kurths Bay Court NE – Rochester, MN 55906  
Yaggy Colby Assoc. – 717 3<sup>rd</sup> Ave SE – Rochester, MN 55904

201 4<sup>th</sup> Street SE, Room 10 - Rochester, MN 55904-3726 - (507) 285-8072 - FAX (507) 280-4721

201 4<sup>th</sup> Street SE, Room 10 - Rochester, MN 55904-3726 - (507) 285-8072 - FAX (507) 280-4721

202



February 21, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Amendment to General Development Plan #160 known as Stonehedge Estates (formally known as Plateau Estates) to provide for different roadway patterns.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. Static water pressures will range from the low 50's to over 100 PSI in the High Level System areas. The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.
2. Static water pressures will be in the upper 30's PSI in the Main Level System areas.
3. The water main in the cul-de-sac streets must be looped and water mains must be extended to adjacent properties per our requirements.
4. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention  
Gale Mount, Building & Safety  
Stonehedge Land Development, LLC  
Yaggy Colby Associates

203

Mr. Johnson stated that the applicant does not plan to take access onto Cascade Street.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Wiesner expressed concern that a new property owner could gain access to Cascade Street.

Mr. Staver stated that, with regard to prior approval, part of the rationale was to maintain a buffer.

Mr. Burke asked if the Commission could put a stipulation upon approval that no access be given to Cascade Street.

Ms. Baker responded that it would need to be done through dedication of access control.

Mr. Johnson stated that, if the general development plan were approved and there was a condition that they could not take access onto Cascade Street, if the property was sold, it would have to go through another general development plan process to have any changes. He questioned why it could not be dedicated like an easement.

Mr. Burke stated that he was concerned that if the property is left as is, it will deteriorate.

Ms. Rivas stated that the long-term use of the property needed to be considered. She indicated that she would be more comfortable if the lot was split that still had an R-3 buffer.

Discussion ensued regarding access to Cascade Street.

Mr. Staver moved to recommend denial of Zoning District Amendment #03-07 by Jerry Rishavy based on staff recommendations and findings. Mr. Hodgson seconded the motion. The motion carried 6-2, with Mr. Quinn and Mr. Burke voting nay.

Mr. Staver moved to recommend denial of Land Use Plan Amendment petition #03-03 by Jerry Rishavy based on staff recommendations and findings. Ms. Petersson seconded the motion. The motion carried 6-2, with Mr. Quinn and Mr. Burke voting nay.

Mr. Staver moved to recommend denial of General Development Plan #204 by Jerry Rishavy based denial of the land use plan amendment and zoning district amendment. Ms. Petersson seconded the motion. The motion carried 6-2, with Mr. Quinn and Mr. Burke voting nay.

*The Commission took a break.*

Land Subdivision Permit (Preliminary Plat) #03-07 to be known as Stonehedge Estates Second Subdivision, by Stonehedge Land Development LLC. The Applicant is proposing to subdivide approximately 119.78 acres of land into 152 lots for single family development and 14 Outlots. The applicant is requesting a Design Modification #03-02 to not construct a secondary access as required in the Zoning Ordinance and Land Development Manual. The Plat also proposes to dedicate new public roadways. The



property is located north of East Circle Drive, east of the Northwoods Hills Second subdivision and allows for a connection to 35<sup>th</sup> Street NE.

AND

Amendment to General Development Plan #160 known as Stonehedge Estates (formally known as Plateau Estates). The applicant is proposing to amend the approved GDP to provide different roadway patterns throughout the development. The property is located north of East Circle Drive, east of the Northwoods Hills Second subdivision and allows for a connection to 35<sup>th</sup> Street NE.

Ms. Wiesner noted that action needed to be taken on the general development plan prior to action taken on the preliminary plat.

Ms. Mitzi A. Baker presented the staff reports, dated March 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department. She also summarized the intended phasing of development.

Mr. Quinn stated that he was in favor of the design. He stated that the reason why the design was originally brought before them was due to the topography. He indicated that he agreed with staff about not building out the development without knowing when a second access would be provided.

Mr. Staver asked if there is any opportunity for egress onto East Circle Drive.

Ms. Baker responded that the general development plan identifies a temporary access to East Circle Drive. However, the developer does not want to use it unless it is short-term.

Discussion ensued regarding where possible calcareous fen could be located.

Mr. Staver asked that, without the design modification, would it be feasible for the plan changes to work.

Ms. Baker responded that the general development plan and preliminary plat could be approved without approving the design modification. She explained that the developer could proceed with the project as long as they do not go over the 1,200 trip generation.

Mr. Quinn asked why the applicant could not gain access from the township.

Ms. Baker deferred the question to the applicant. She indicated that the applicant did meet with staff prior to the application being submitted, at which time they were informed of the Ordinance requirements.

Discussion ensued regarding trip generation calculation between residential and commercial.

Mr. Wade DuMond, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant is in agreement with most of the staff-recommended conditions.

Mr. DuMond explained that there is a platted access near the cul-de-sac that they can gain a temporary access to. However, it is the developer's opinion that it is not a good situation. He

205

stated that they met with the township 3 to 4 times over the last 4 years to gain access. However, the township does not want to allow the access.

Mr. DuMond stated that the applicant was not in agreement with condition number 5 (listed in the staff report), as other general development plans have not been subjected to the same condition that were recently approved.

Mr. DuMond stated that the DNR would be visiting the site in June to review whether or not there is calcareous fen. He indicated that they are working on the design with the idea that it is.

Mr. DuMond stated that the reason why they are revising the general development plan is to accommodate the well RPU needs and to protect the fen. He explained that a fen management plan might not be needed if they can avoid it.

Mr. DuMond stated that the applicant is in agreement with the staff-recommended conditions for the preliminary plat, except for number 9 (listed in the staff report).

Mr. DuMond stated that the property owner signed a contract for the property before the 1,200 trip generation was enacted (4 years ago). He stated that there are five other connections to property lines, however, they have not been developed.

Mr. DuMond state that, if the development is limited to so many trips, RPU may have to have an additional watermain that will not be part of this development.

Mr. DuMond stated that there are 43 single-family homes built and 28 townhomes. Therefore, there are 640 existing trips (560 remaining trips). If the secondary temporary access was built, an additional 95 units could be built.

Mr. Pat Blum, of 2069 Jade Lane NE, Rochester MN, addressed the Commission. He asked, if a light were built there, would it change the trip generation.

Ms. Baker responded no.

Mr. Blum asked how the township could stall the connection.

Ms. Baker responded that 35<sup>th</sup> Street is a platted right-of-way, but the eastern portion is not built. The township is the road authority and has the decision making role on whether the improvements will be made and allow for the connection.

Mr. Blum stated that he would like to see a traffic light due to accidents.

Ms. Baker commented that it has been found that signals do not necessarily reduce the number of accidents, but they change the severity of them.

With no one else wishing to be heard, Ms. Wiesner closed the public hearings.

**Mr. Burke moved to recommend approval of Amendment to General Development Plan #160 known as Stonehedge Estates (formally known as Plateau Estates with staff-recommended findings and conditions. Mr. Hodgson seconded the motion. The motion carried 8-0.**

**CONDITIONS:**

1. At the time of platting, the developer shall address the long term maintenance and ownership of Outlots that will not be dedicated to the City.
2. At the time of platting, controlled access will need to be dedicated along East Circle Drive (CSAH 22). The developer is responsible for right and left turn lanes from CSAH 22 to Plateau Drive NE and the construction of a trail facility along CSAH 22 where the property abuts CSAH 22.
3. Access shall be provided to the future pond/open space area, from the west.
4. A second access will need to be provided before the City authorizes any construction that would be projected to generate traffic in excess of 1200 average daily trips through the one access to East Circle Drive (CSAH 22).
5. The looped local roadway shown on the east side of the development will need to be modified to meet design requirements, as specified by Rochester Public Works.
6. Parkland dedication shall be met via dedication of the public open space/park area identified in the northern portion of the GDP, subject to meeting the requirements of the Park Department as outlined in the February 19, 2003 memorandum from Rochester Park and Recreation.
7. If the Wetland identified in the open space area is determined to be a Calcareous Fen, a Fen Management Plan may be required. This GDP shall be modified as necessary to comply with the management plan (i.e. pre-treatment of stormwater prior to discharge toward the Wetland may required).

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-07 to be known as Stonehedge Estates Second Subdivision with staff-recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 8-0.

**CONDITIONS:**

1. The Final Plat shall include:
  - Re-routing of watermain and additional easements as required by RPU Water;
  - Roadway names, approved by the Planning Department Addressing staff;
  - Dedication of access control along the frontage of East Circle Drive (CSAH 2);
2. Approval of this Land Subdivision Permit shall allow for phasing of Final Plats through 2009. Phasing of Final Plats shall be modified to meet requirements of Section 64.127 of the LDM.
3. Pond access shall be provided from the west, since crossing the Wetland will not likely to be permitted. Access must be provided prior to, or concurrent with, dedicating the future public open space and pond to the City.

207

4. Parkland dedication for this subdivision shall be met via dedication of Outlot K, with the balance due (if any) to be in the form of cash in lieu of land, subject to meeting the slope and turf requirements as outlined in the February 19, 2003 memorandum from Rochester Park and Recreation. Deeding of the Outlot is to occur when the park is accessed via public street or the City wishes to begin development of the site.
5. Dedication of a Noise Easement will be required for Phase III of the proposed subdivision, prior to recording the Final Plat for Phase III.
6. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.
7. Dedication of off-site drainage and utility easements is required prior to recording the Final Plat for this development.
8. Pedestrian facilities will be required along both sides of all new public roads within this property, including adjacent to Outlots. In addition, the Owner is obligated to construct/pay for the construction of a 10 foot wide bituminous pedestrian path along the entire frontage of East Circle Drive, including Outlots, and is obligated to construct any required mid-block pedestrian path connections within this development.
9. Design of roadways shall be modified per February 28, 2003 comments from Rochester Public Works.
10. If portions of this Plat are not serviceable with gravity flow sanitary sewer, those portions shall not proceed with Final Plat until gravity flow sanitary sewer is available, or the City approves the use of a private lift station.

Mr. Staver moved to deny Design Modification #03-02 by Stonehedge Land Development LLC with staff-recommended findings. Ms. Peterson seconded the motion. The motion carried 8-0.

Amendment to General Development Plan #190 known as Harvestview AND Harvestview Special District #02-07. The major change includes one additional floor of residential units in the mixed use building in the Town Center portion of the property. The overall plan is a mixed use development on approximately 17.09 acres of land. The property is located along the north side of 55<sup>th</sup> Street NW and along the west side of 50<sup>th</sup> Avenue NW.

Ms. Mitzi A. Baker presented the staff report, dated March 6, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Andy Masterpole, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant was in agreement with the staff-recommended conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

202

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 4-7-03

209

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-7
ITEM DESCRIPTION: <u>Land Subdivision Permit</u> (Preliminary Plat) #03-07 to be known as Stonehedge Estates Second Subdivision, by Stonehedge Land Development LLC. The Applicant is proposing to subdivide approximately 119.78 acres of land into 152 lots for single family development and 14 Outlots. The applicant is requesting a <u>Design Modification</u> #03-02 to not construct a secondary access as required in the Zoning Ordinance and Land Development Manual. The property is located north of East Circle Drive, northwest of Century High School, adjacent to Stonehedge First Sub. and Christ Our Rock Sub. and east of the Northwoods Hills Second Sub.		PREPARED BY: Mitzi A. Baker, Senior Planner

March 31, 2003

*NOTE: See CPEC minutes from previous GDP Amendment hearing.*

### City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on March 12, 2003 to consider this preliminary plat. **Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-07 to be known as Stonehedge Estates Second Subdivision with staff recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 8-0.**

**Staver moved to deny Design Modification #03-02 by Stonehedge Land Development LLC, with staff recommended findings. Peterson seconded the motion. The motion carried 8-0.**

1. **The Final Plat shall include:**

- Re-routing of watermain and additional easements as required by RPU Water;
- Roadway names, approved by the Planning Department Addressing staff;
- Dedication of access control along the frontage of East Circle Drive (CSAH 2);

2. **Approval of this Land Subdivision Permit shall allow for phasing of Final Plats through 2009. Phasing of Final Plats shall be modified to meet requirements of Section 64.127 of the LDM.**

3. **Pond access shall be provided from the west, since crossing the Wetland will not likely be permitted. Access must be provided prior to, or concurrent with, dedicating the future public open space and pond to the City.**

4. **Parkland dedication for this subdivision shall be met via dedication of Outlot K, with the balance due (if any) to be in the form of cash in lieu of land, subject to meeting the slope and turf requirements as outlined in the February 19, 2003 memorandum from Rochester Park and Recreation. Deeding of the Outlot is to occur when the park is accessed via public street or the City wishes to begin development of the site.**

5. **Dedication of a Noise Easement will be required for Phase III of the proposed subdivision, prior to recording the Final Plat for Phase III.**

6. **A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.**

Continued on next page

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

210

7. *Dedication of off-site drainage and utility easements is required prior to recording the Final Plat for this development.*
8. *Pedestrian facilities will be required along both sides of all new public roads within this property, including adjacent to Outlots. In addition, the Owner is obligated to construct/pay for the construction of/ a 10 foot wide bituminous pedestrian path along the entire frontage of East Circle Drive, including Outlots, and is obligated to construct any required mid-block pedestrian path connections within this development.*
9. *Design of roadways shall be modified per February 28, 2003 comments from Rochester Public Works.*
10. *If portions of this Plat are not serviceable with gravity flow sanitary sewer, those portions shall not proceed with Final Plat until gravity flow sanitary sewer is available, or the City approves the use of a private lift station.*

---

### **Council Action Needed:**


1. *The Council may approve, approve with conditions, or deny the Land Subdivision Permit, and Design Modification. The Council must make findings of fact as a basis for the decision. Please see the attached staff report for staff and Commission recommended findings for the Design Modification. Additionally, the applicant request that the Plat be approved to allow Phasing of Final Plats through 2006. Council action should include approval to Phase this Plat through 2006.*
- 

### **Distribution:**

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday April 7, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
7. Yaggy Colby Associates



211 -  
MEMORANDUM

DATE: March 27, 2003  
TO: Mitzi Baker, Consolidated Planning Department  
FROM: Doug Rovang, Senior Civil Engineer   
SUBJECT: Phase I Stonehedge 2<sup>nd</sup> Subdivision

Municipal Well #37 is currently being constructed immediately north of the Stonehedge subdivision. When the proposed next phase of the Stonehedge Subdivision proceeds, the developer will be extending a 12" trunk water main to within 300' of municipal well #37. RPU will then extend this main the remaining distance to the new well. This connection will provide us with a needed additional water source to serve the Northern Heights/Viola Road NE area.

We are anxious to have the 12" water main constructed this spring, so Well #37 can be placed in service this summer. Apparently, approval of all of Phase I of Stonehedge 2<sup>nd</sup> Subdivision makes this more likely.

C: Greg Woodworth  
Walt Lorber  
Donn Richardson  
Wade Dumond, Yaggy Colby

212

2379 Jade Place NE  
Rochester MN 55906-5421  
March 11, 2003

Rochester-Olmsted Planning Department  
2122 Campus Drive SE, Suite 100  
Rochester MN 55904-4744

Dear City Planning and Zoning Commission:

We are concerned about Design Modification #03-02 to not construct a secondary access as required in the Zoning Ordinance and Land Development Manual. We request that you deny this design modification.

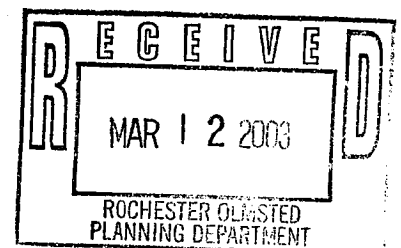
The ability of fire department, ambulance and police to access Stonehedge could be impaired with only one access. All the traffic that would be generated from the proposed new development would be coming through our area of the subdivision. This could pose an additional potential hardship for us.

We are further concerned that when the planned Mayo facility opens, there will be traffic congestion on Stonehedge Drive accessing that facility. To limit access to the planned subdivision via this one access is folly.

Sincerely yours,

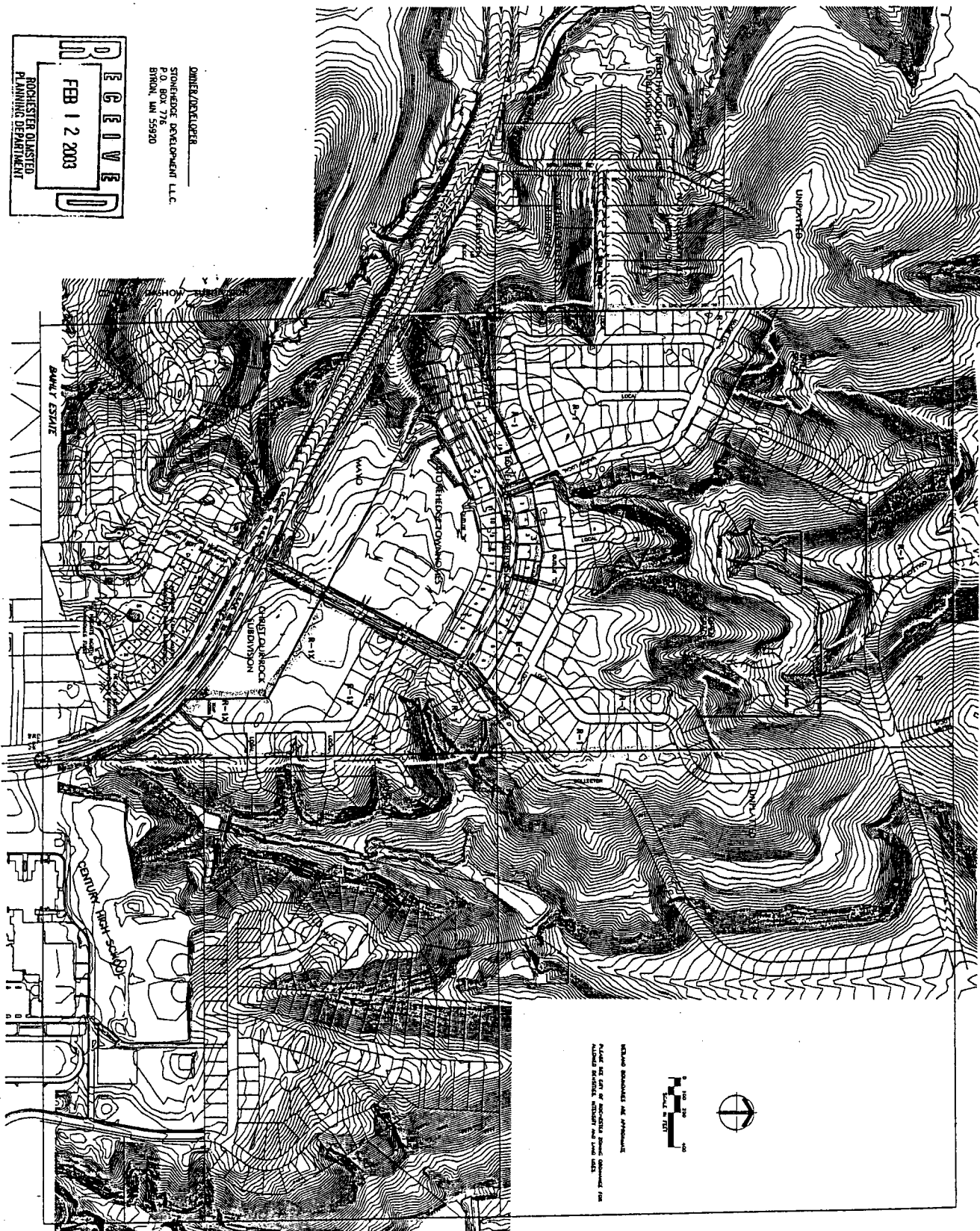
*Dennis S. De Lorme*  
*Connie L De Lorme*

Dennis and Connie De Lorme



**OWNER/DEVELOPER**  
STONEHEDGE DEVELOPMENT L.L.C.  
P.O. BOX 776  
BYRON, MN 55920

PROPOSED GDP 2003



STONEHEDGE ESTATES  
ROCHESTER, MINNESOTA

## GENERAL DEVELOPMENT PLAN

**YAGGY  
COLBY  
ASSOCIATES**

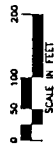
BRUSHES • BRACKET  
SUNGLASSES • PLANS  
LANTARNS • ANCHORS  
217 IRVING AVENUE, MONTREAL  
ROCHESTER, NEW YORK 14607  
307-244-4151  
Fax 307-244-4030  
www.royalnavy.com

PAGE CT	
DATE	7/81
CORR/VIA	
FBI	7810000 Dm
DATE	82/11/02
DELIVN ET	M
CERCLD BY	"
REVISIONS	

1

OF ONE MILL





**YAGGY  
COLBY  
ASSOCIATES**

ENGINEERS • ARCHITECTS  
 SURVEYORS • PLANNERS  
 LANDSCAPE ARCHITECTS

117 THIRD AVENUE SOUTHEAST  
 ROCHESTER, MINNESOTA 55904  
 607-258-0444  
 FAX 607-258-1514  
 EMAIL: INFO@FACTORY.COM

FILE BY CERTIFY THAT THIS PLAN SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE

FILE A SKOV	DATE
-------------	------

STONEHEDGE ESTATES SECOND SUBDIVISION  
ROCHESTER, MINNESOTA

---

PRELIMINARY PLAT

PRELIMINARY PLAT

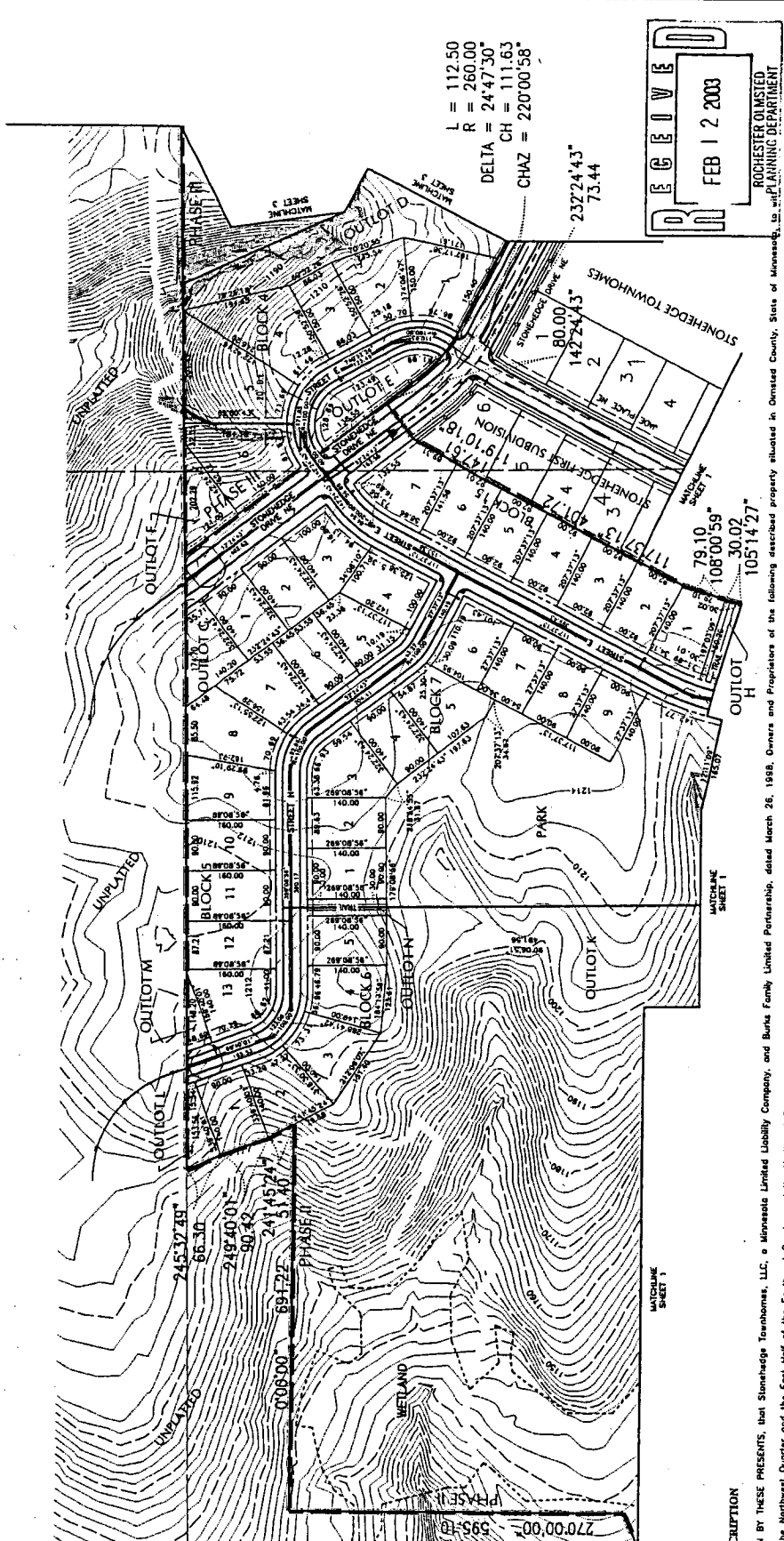
ROCHESTER, MINNESOTA

PROJECT NUMBER	216
COMPUTER	7910
DATE	02/12/03
DRAWN BY	ARE
CHECKED BY	KAS
DESIGNED BY	

**[REDACTED]**

236

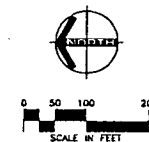
215



**LEGAL DESCRIPTION**

[illegible][illegible]

**Field tract contains 119.78 acres more or less**



**YAGGY COLBY ASSOCIATES**  
 ENGINEERS • ARCHITECTS  
 SURVEYORS • PLANNERS  
 LANDSCAPE ARCHITECTS  
 717 THIRD AVENUE SOUTHEAST  
 ROCHESTER, MINNESOTA 55904  
 507-288-8888  
 FAX 507-288-5018  
 EMAIL: INFO@YAGGYCOLBY.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

KYLE A. SKOV  
 NUMBER \_\_\_\_\_ DATE \_\_\_\_\_

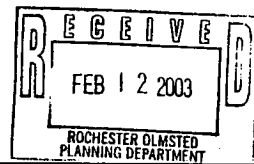
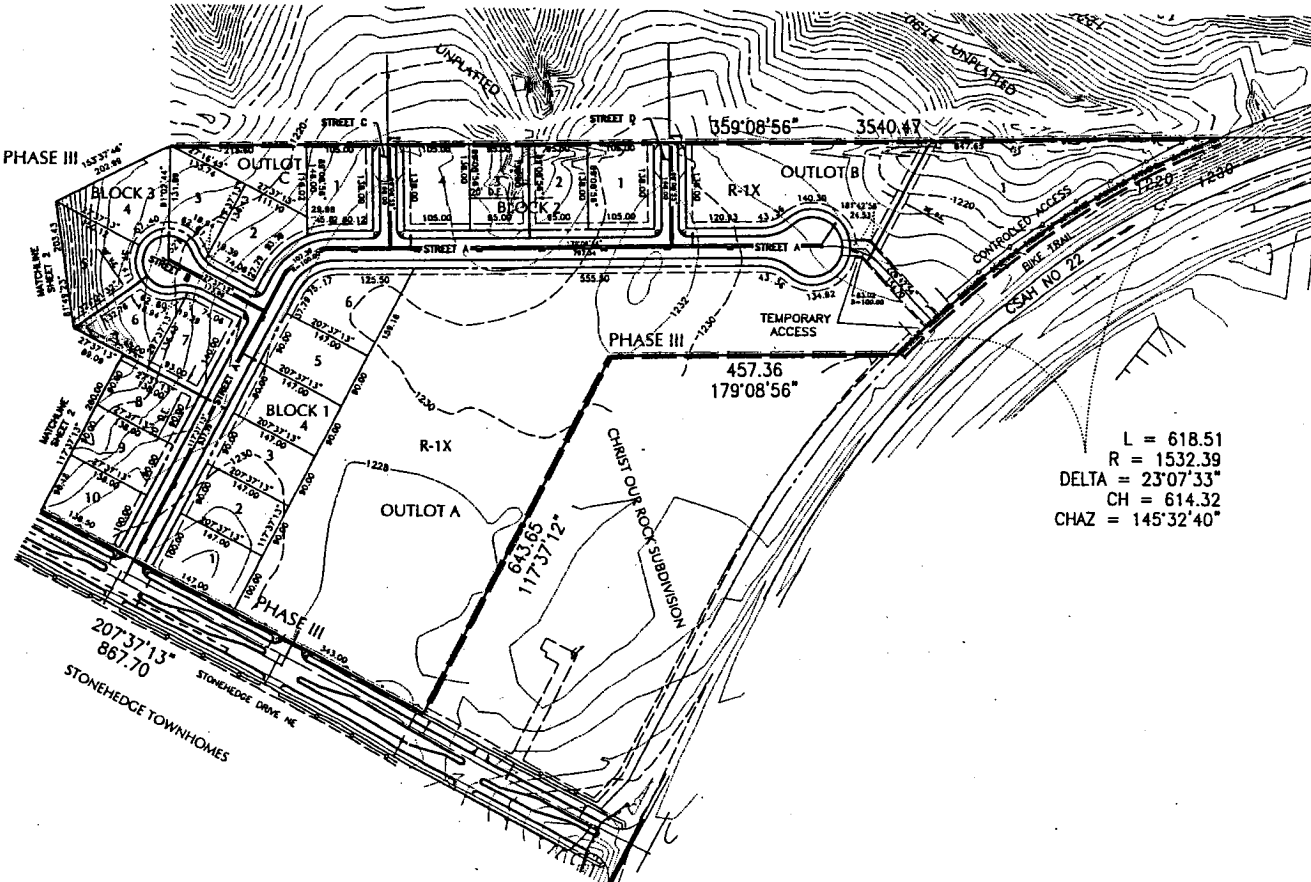
STONEHEDGE ESTATES SECOND SUBDIVISION  
 ROCHESTER, MINNESOTA  
 PRELIMINARY PLAT

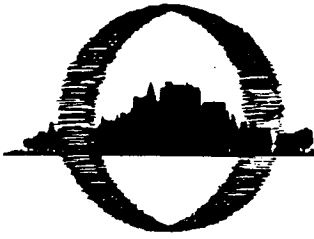
PROJECT NUMBER 18  
 COMPUTER FILE 7916 UNIC  
 DATE 02/12/03  
 DRAWN BY ARE  
 CHECKED BY KAS  
 REVISED

SHEET NUMBER

3

OF 36 SHEETS

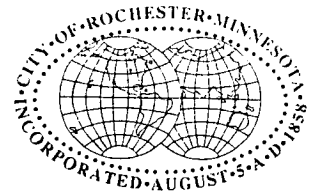




## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



217 -

**TO:** City Planning and Zoning Commission

**FROM:** Mitzi A. Baker, Senior Planner

**DATE:** March 6, 2003

**RE:** Land Subdivision Permit (Preliminary Plat) #03-07 to be known as Stonehedge Estates Second Subdivision, by Stonehedge Land Development LLC. The Applicant is proposing to subdivide approximately 119.78 acres of land into 152 lots for single family development and 14 Outlots.

The applicant is requesting a *Design Modification #03-02 to not construct a secondary access as required* in the Zoning Ordinance and Land Development Manual. The Plat also proposes to dedicate new public roadways. The property is located north of East Circle Drive, northwest of Century High School, adjacent to Stonehedge First Subdivision and Christ Our Rock Subdivision and east of the Northwoods Hills Second subdivision.

### Planning Department Review:

**Applicant/Owner:** Stonehedge Land Development LLC  
5 Kurths Bay Court NE  
Rochester, MN 55906

**Surveyors/Engineers:** Yaggy Colby Associates  
717 Third Ave. SE  
Rochester, MN 55904

**Report Attachments:**

1. Land Development Manual Excerpts
2. Referral Comments
3. Copy of Preliminary Plat



## **Summary of Land Subdivision Permit (Preliminary Plat) Application:**

This Plat includes approximately 120 acres of land located east of 16<sup>th</sup> Ave. NE, northerly of East Circle Drive, adjacent to Stonehedge First Subdivision and Christ Our Rock Subdivision. The Plat identifies the intent to phase the Final Plats. Three phases are identified. Phase I is proposed for construction in 2003-2004 and includes 70 single family lots and 2 Outlots. Phase II is proposed for construction in 2005-2006 and includes 44 single family lots and 4 Outlots. Phase II also includes the future Park and public open space as well as a future pond. The Wetland identified in Outlot K (the future Park and public open space) may be a Calcareous Fen. The MnDNR will be making a final determination as to the status of the Wetland type sometime this summer.

A GDP was approved for this property in 2001, and Stonehedge First Subdivision has since been platted and constructed. An amendment to the GDP is being considered concurrent with this preliminary plat. All of the property has either been annexed or is in the process of annexation to the City. Most of the property is, or will be, zoned R-1 (Mixed Single Family) residential, with a portion of the area identified as Phase III already zoned R-1X (Mixed Single Family Extra) district. A portion of Stonehedge First Subdivision, which is already platted, is also zoned R-1X and is being developed with townhomes.

This Plat identified a temporary access to East Circle Drive (CSAH #2) in the far southeast corner. The applicant does not intend to utilize the access long term and may coordinate with the County Public Works Department to utilize the access for a temporary period if necessary.

This application includes a request for a Design Modification to waive the requirement for a second access to be provided prior to generating 1,200 trips or more. Essentially, the developer is requesting approval for full build out of this preliminary plat with only one access.

## **Design Modification:**

The purpose of the design modification is to permit relief from the strict application of ordinance standards where there is no defined hardship, the proposed modifications will not result in identifiable loss of protection to adjacent properties, or where the proposed development results in an improved design solution to a site design problem and in doing so, still meets the intent of the site design or public facility standards.

Section 64.127 of the Rochester Zoning Ordinance and Land Development Manual includes the following requirement:

### **64.127 Street Hierarchy:**

- 10) Secondary access will be required for any low density residential development that is projected to generate more than 500 average daily trips. Where secondary access is not constructed as part of the initial phase of development, the secondary access shall be provided before the City authorizes any construction that would be projected to generate traffic in excess of 1,200 average daily trips. The need for secondary access for non-residential development fronting on a collector or higher order street shall be determined based on a Traffic Impact Study.

Section 60.424 Of the LDM allows for a Design Modification to the Public Facilities Standards of Chapter 64 to be considered concurrent with a Plat, under the following provisions:

60.424 **Specific Policies:** The following paragraphs contain the guidelines applicable to specific types of design modifications which shall be considered by the approval authority.

9) **Public Facility Standards:**

- a) Modification to the requirements of Chapter 64 may be approved as part of the review of any general development plan, land subdivision permit, or final plat where the applicant can show by reason of exceptional topography or any other physical condition that strict compliance with these regulations would cause undue hardship or that such relief would not be a detriment to the public welfare and would not impair the intent and purpose of the regulations.

**Staff Analysis of Design Modification:**

As identified in the Purpose statement for Design Modifications (Sec. 60.421), *"The purpose of the design modification is to permit relief from the strict application of ordinance standards where there is no defined hardship, the proposed modifications will not result in identifiable loss of protection to adjacent properties, or where the proposed development results in an improved design solution to a site design problem and in doing so, still meets the intent of the site design or public facility standards"*. And as stated in 60.424, 9) *"Modification to the requirements of Chapter 64 may be approved as part of the review of any general development plan, land subdivision permit, or final plat where the applicant can show by reason of exceptional topography or any other physical condition that strict compliance with these regulations would cause undue hardship or that such relief would not be a detriment to the public welfare and would not impair the intent and purpose of the regulations"*.

Prior to petitioning for the initial GDP for Stonehedge (then referred to as Plateau Estates), the applicant and consultant met with public agencies at a pre-development meeting. The need for additional access was discussed at that meeting. This Ordinance requirement, and the need to phase this development to meet that requirement, has been repeated in staff analysis of applications related to this property. The applicant has been aware of this requirement since early in the development process. Though they have not been able to successfully negotiate access to the west with the Township, at this time, staff contends that the development still needs to be phased so that the requirements for second access are adhered to.

Approving the Design Modification requested, to essentially allow for more than 2,000 trips on one access, would undermine the purpose and intent of this Ordinance. The request does not provide an improved design solution, would not meet the public facility standards and will result in loss of protection to properties through limited access and circulation for emergency vehicles.

Though approval would provide a short term solution for the developer to complete this development it would be at the expense of the future population of the area. Second access is needed to improve vehicular circulation in the area and to provide multiple means of access for emergency vehicles. Permitting full build-out of this development on one access could be a detriment to the public welfare, and such action would impair the intent and purpose of the Rochester Zoning Ordinance and Land Development Manual. **Staff recommends denial of the Design Modification as requested.**

**Staff Review and Recommendation:**

The Planning staff has reviewed this preliminary plat request under the provisions of LDM Sections 61.225 (effective 5/15/199). Staff recommends the following modifications or conditions:

1. ***The Final Plat shall include:***
  - ***Re-routing of watermain and additional easements as required by RPU Water;***
  - ***Roadway names, approved by the Planning Department Addressing staff;***
  - ***Dedication of access control along the frontage of East Circle Drive (CSAH 2);***
2. ***Approval of this Land Subdivision Permit shall allow for phasing of Final Plats through 2009. Phasing of Final Plats shall be modified to meet requirements of Section 64.127 of the LDM.***
3. ***Pond access shall be provided from the west, since crossing the Wetland will not likely to be permitted. Access must be provided prior to, or concurrent with, dedicating the future public open space and pond to the City.***
4. ***Parkland dedication for this subdivision shall be met via dedication of Outlot K, with the balance due (if any) to be in the form of cash in lieu of land, subject to meeting the slope and turf requirements as outlined in the February 19, 2003 memorandum from Rochester Park and Recreation. Deeding of the Outlot is to occur when the park is accessed via public street or the City wishes to begin development of the site.***
5. ***Dedication of a Noise Easement will be required for Phase III of the proposed subdivision, prior to recording the Final Plat for Phase III.***
6. ***A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.***
7. ***Dedication of off-site drainage and utility easements is required prior to recording the Final Plat for this development.***
8. ***Pedestrian facilities will be required along both sides of all new public roads within this property, including adjacent to Outlots. In addition, the Owner is obligated to construct/pay for the construction of/ a 10 foot wide bituminous pedestrian path along the entire frontage of East Circle Drive, including Outlots, and is obligated to construct any required mid-block pedestrian path connections within this development.***
9. ***Design of roadways shall be modified per February 28, 2003 comments from Rochester Public Works.***
10. ***If portions of this Plat are not serviceable with gravity flow sanitary sewer, those portions shall not proceed with Final Plat until gravity flow sanitary sewer is available, or the City approves the use of a private lift station.***

**REMINDER TO APPLICANT:**

- ***Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.***
- ***Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements and acceptance of improvements by the City.***

*EXCERPTS FROM THE ROCHESTER ZONING ORDINANCE & LAND  
DEVELOPMENT MANUAL*

**60.420 DESIGN MODIFICATIONS:**

It is the intent of this ordinance to recognize that in certain instances it may be in the public interest to provide an expedient method to modify the site design and public facility standards of this ordinance as applied to certain types of development.

- 60.421 **Purpose:** The purpose of the design modification is to permit relief from the strict application of ordinance standards where there is no defined hardship, the proposed modifications will not result in identifiable loss of protection to adjacent properties, or where the proposed development results in an improved design solution to a site design problem and in doing so, still meets the intent of the site design or public facility standards. Guidelines are provided for the approval authority to assess the impact of the proposed design modification.

This ordinance also provides for certain types of development identified as incentive development and restricted development which, though not consistent with normal zoning district standards, will be permitted in certain instances. These developments are supported by the Land Use Plan, but may necessitate relaxation of certain design standards in order to meet site constraints. Design modifications will be considered as part of the normal review of these developments, subject to standards established in this section.

- 60.424 **Specific Policies:** The following paragraphs contain the guidelines applicable to specific types of design modifications which shall be considered by the approval authority.

**10) Public Facility Standards:**

- a) Modification to the requirements of Chapter 64 may be approved as part of the review of any general development plan, land subdivision permit, or final plat where the applicant can show by reason of exceptional topography or any other physical condition that strict compliance with these regulations would cause undue hardship or that such relief would not be a detriment to the public welfare and would not impair the intent and purpose of the regulations.

**64.128 Street Hierarchy:**

- 11) Secondary access will be required for any low density residential development that is projected to generate more than 500 average daily trips. Where secondary access is not constructed as part of the initial phase of development, the secondary access shall be provided before the City authorizes any construction that would be projected to generate traffic in excess of 1,200 average daily trips. The need for secondary access for non-residential development fronting on a collector or higher order street shall be determined based on a Traffic Impact Study.

222

ENGINEERS

ARCHITECTS

SURVEYORS



LANDSCAPE ARCHITECTS

PLANNERS

## DESIGN MODIFICATION

February 12, 2003

Ms. Mitzi Baker  
Rochester-Olmsted County Consolidated Planning  
2122 SE Campus Drive  
Rochester, MN 55904

**RE: Request for Design Modification  
Stonehedge Subdivision**

Dear Ms. Baker:

The owners of the proposed subdivision hereby request the approval of a Design Modification under Section 60.127, Par. 10, for the number of trips generated by the proposed development.

This design modification is necessary for the northern portion of the development adjacent to township property. The township will not allow a connection to existing 35<sup>th</sup> Street NE, which is our only other available access point. Streets are being stubbed to the east, west, and north for possible future connections.

Please call if you have any questions.

Sincerely,

**YAGGY COLBY ASSOCIATES**

A handwritten signature in black ink, appearing to read 'Kyle Skov', with a long horizontal line extending to the right.

Kyle Skov, PE

KS:bd  
YCA #7918

**ROCHESTER OFFICE:**

717 Third Avenue SE

Rochester, MN 55904

507-288-6464

Fax 507-288-5058

**MPLS/ST PAUL OFFICE:**

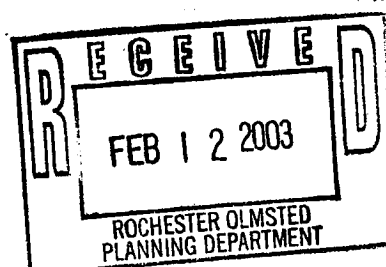
651-681-9040

**MASON CITY OFFICE:**

641-424-6344

**DELAFIELD OFFICE:**

262-646-6855



Equal Opportunity Employer

yaggy.com

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

223 -  
DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 2/28/03

The Department of Public Works has reviewed the application for Preliminary Plat #03-07 for Stonehedge Estates Second Subdivision. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property. Approval of the proposed design modification will require an amendment to the language of the existing Development Agreement that will address revisions in the Owner's obligations for provision of a second access to this development.
2. Dedication of a Noise Easement will be required for Phase III of the proposed subdivision, prior to recording of the Final Plat for Phase III.
3. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.
4. Dedication of off-site drainage & utility easements is required prior to recording the Final Plat for this development.
5. Controlled access will be required along the entire frontage of East Circle Drive.
6. Pedestrian facilities (concrete sidewalk) will be required along both sides of all new public roads within this property, including Outlots. In addition the Owner is obligated to construct/pay for the construction of a 10 foot wide bituminous pedestrian path along the entire frontage of East Circle Drive, including Outlots, and is obligated to construct any required mid-block pedestrian path connections within this development.
7. Execution of an Ownership & Maintenance Agreement is required for all private Outlots proposed within this development.
8. Execution of a City-Owner Contract is required prior to construction of public infrastructure for each Platted phase of this development.
9. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.
10. The proposed "Street E" 90 degree corner in the southwest part of the plat shall have a minimum 100 foot centerline radius. In addition, the intersections of proposed "Street E" with Stonehedge Dr NE shall be at 90 degrees for a minimum of 50 feet from the intersections.

Development charges and fees applicable to the development of this property are addressed in the existing Development Agreement with the exception of (rates in place through 7/31/03):

- ❖ First Seal Coat contribution @ \$0.49 per square yard of public street surface.
- ❖ Traffic Signs as determined by the City Engineer.

224



*we pledge, we deliver*

February 21, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-07 by Stonehedge Land Development, LLC to be known as Stonehedge Estates Second Subdivision.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

1. To provide for better networking of the water system the planned 8" loop from the Street F cul-de-sac must run between Lots 11 & 12 and 26 & 27, Block 9 along with the required 20' public utility easement.
2. Other minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.
3. Static water pressures within this area will range from 53 to 70 PSI.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

A handwritten signature in black ink that reads "Donn Richardson".

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention Bureau  
Gary Schick, Building & Safety  
Wade Dumond, Yaggy Colby Associates  
Stonehedge Land Development, LLC



ROCHESTER PARK AND RECREATION DEPARTMENT  
201 FOURTH STREET SE  
ROCHESTER MINNESOTA 55904-3769  
TELE 507-281-6160  
FAX 507-281-6165

225

## MEMORANDUM

**DATE:** February 19, 2003  
**TO:** Jennifer Garness  
Planning  
**RE:** Stonehedge Est 2<sup>nd</sup>  
Preliminary Plat # 03-07

Acreage of plat.....	119 a
Number of dwelling units.....	287*
Density factor.....	.0244
Dedication .....	7.00 a
Fair market value of land.....	na

\* based on maximum number of units allowed in R-1X. Exact dedication to be recalculated when site plans are submitted for R-1X areas

The Park and Recreation Department recommends that dedication requirements be met via: dedication of Outlot K. In addition to the dedication required of this plat, the applicant has deferred dedication of:

Stonehedge 1 <sup>st</sup>	1.05 a
Stonehedge Townhomes	1.81 a

The dedication of Outlot K will meet approximately 8.0 acres of dedication requirement. The balance due (if any) should be in the form of cash in lieu of land. The applicant should be required to grade at least 4.0 acres of the park site (Outlot K) to 4% or less and establish to turf prior to deeding to the City. Deeding to occur when the park is accessed via public street or the City wishes to begin development of the site.

Ownership of Outlot E should be by association.

224



*The hand to reach for...*  
**DAVID A. KAPLER**  
Fire Chief

DATE: February 24, 2003

TO: Jennifer Garness, Planning

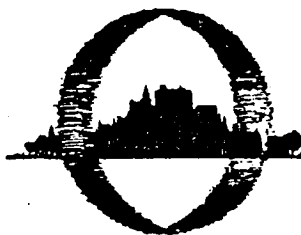
FROM: R. Vance Swisher – Fire Protection Specialist

SUBJ: Land Subdivision Permit (Preliminary Plat) 03-07 to be known as Stonehedge Estates  
2nd by Stonehedge Land Development LLC.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
  2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
    - Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac.
    - Streets less than 36 feet in width shall be posted "No Parking" along one side of the street.  
Streets less than 28 feet in width shall be posted "No Parking" along both sides of the street.
  3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
  4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division  
Stonehedge Land Development, LLC – 5 Kurths Bay Court NE – Rochester, MN 55904  
Yaggy Colby Assoc – 717 3<sup>rd</sup> Ave SE – Rochester, MN 55904

227-



COUNTY OF  
*Olmsted*



Rochester-Olmsted Planning Department  
GIS/Addressing Division  
2122 Campus Drive SE  
Rochester, MN 55904-4744  
Phone: (507) 285-8232  
Fax: (507) 287-2275

## PLAT REFERRAL RESPONSE

**DATE:** February 21, 2003

**TO:** Jennifer Garness

**FROM:** Randy Growden  
GIS/Addressing Staff  
Rochester-Olmsted County  
Planning Department

**CC:** Wade Dumond (Yaggy Colby Assoc.)

**RE: STONEHEDGE ESTATES SECOND SUBDIVISION**

### PRELIMINARY PLAT # 03-07

A review of the preliminary plat has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. The preliminary plat has eight roadways illustrated as STREET A through STREET H that will need to be given a roadway name, type and directional.

**RECOMMENDATION:** Coordinate all roadway designations with our office before final plat.

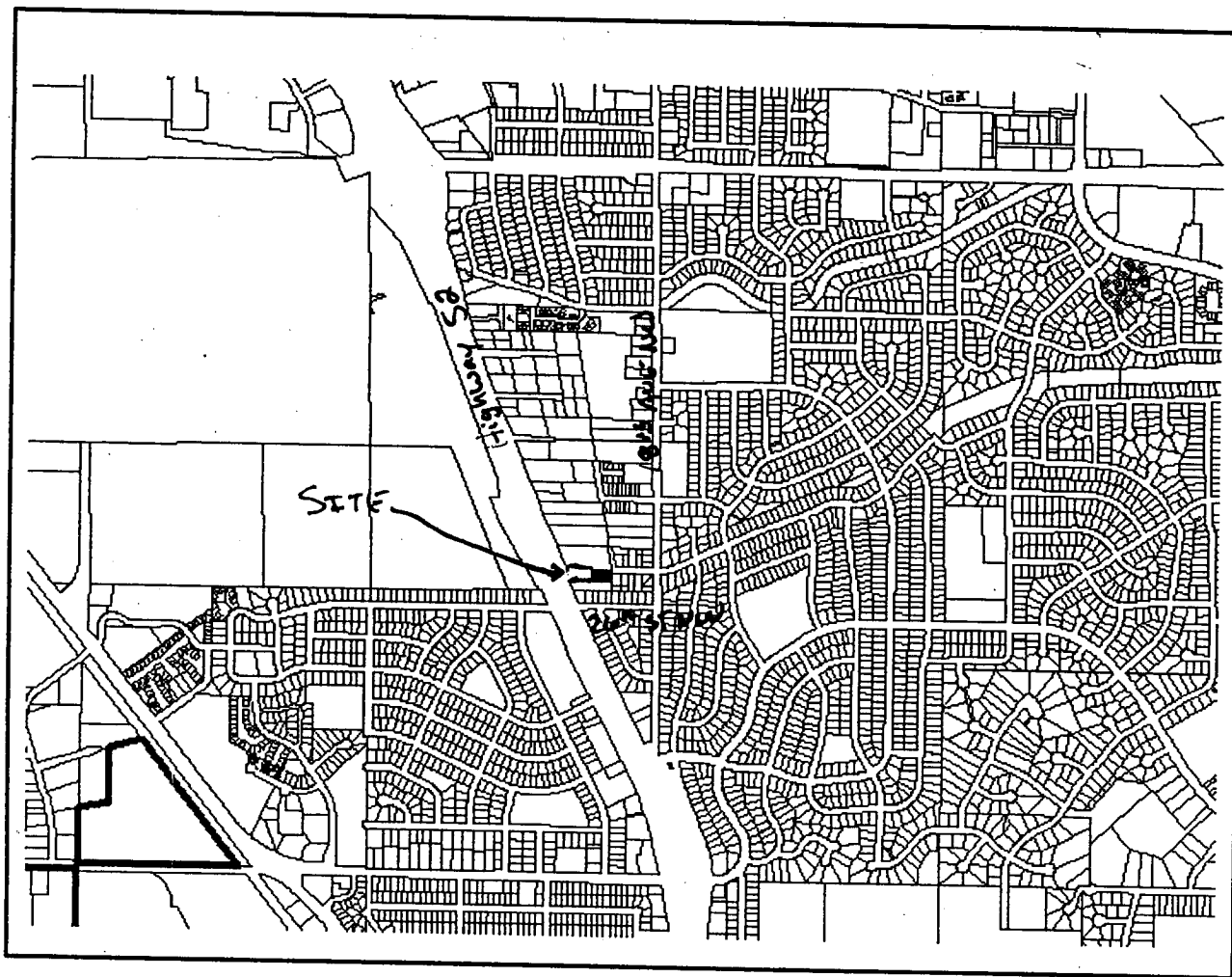
2200

229-

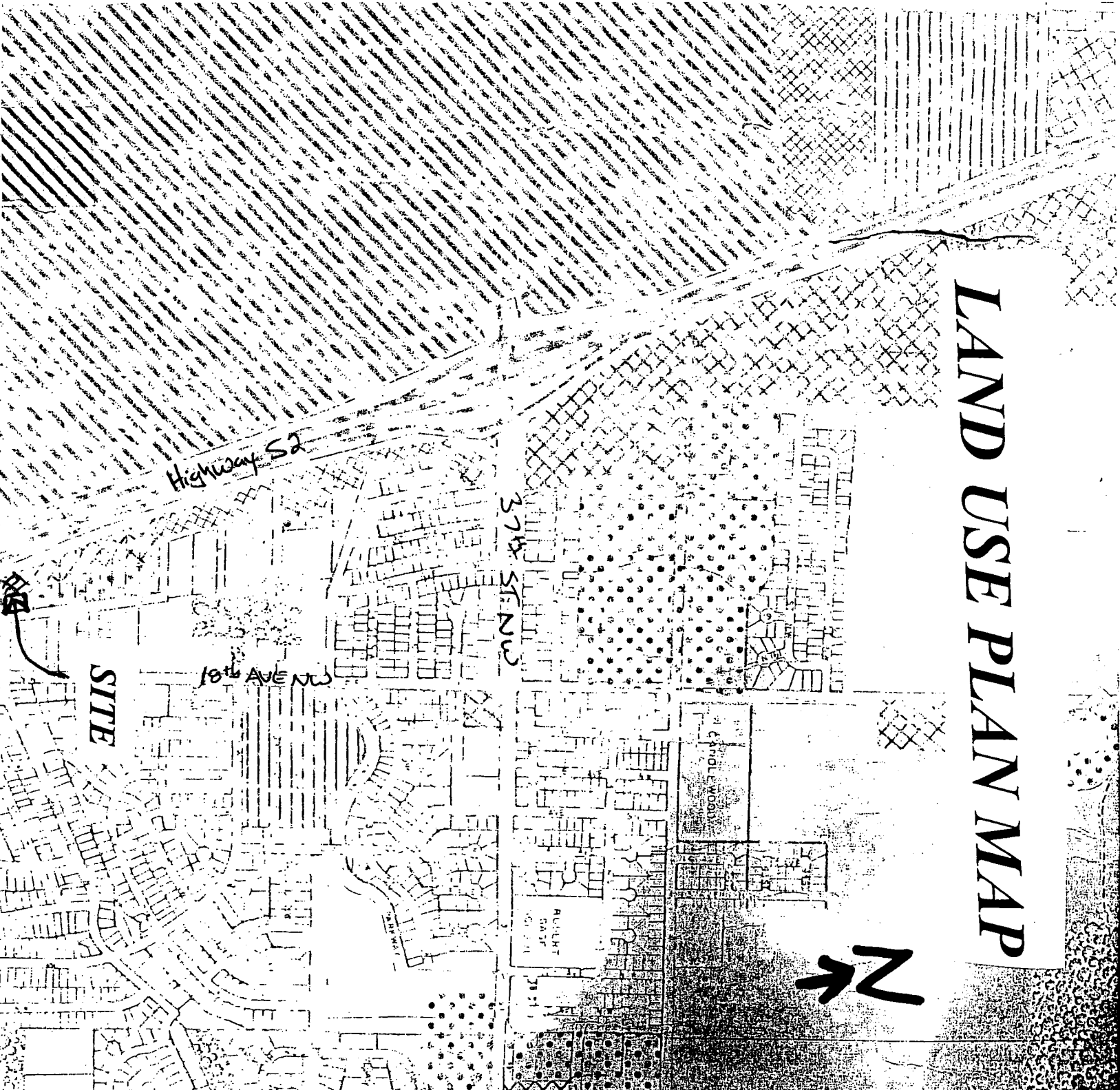
<b><u>REQUEST FOR COUNCIL ACTION</u></b>		MEETING DATE: 04-7-03
AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-8
ITEM DESCRIPTION: Land Use Plan Map Amendment #03-03 by Jerry Rishavy to amend the Land Use Plan designation from "medium density residential" to "commercial" on approximately .53 acres of land located along the east side frontage road of T.H. 52, north of 26 <sup>th</sup> Street NW and south of Park Place Motors. The westerly portion of the lot was rezoned to the B-4 district in 2002.		PREPARED BY: Brent Svenby, Planner
<p>April 1, 2003</p> <p><b><u>City Planning and Zoning Commission Recommendation:</u></b></p> <p>The City Planning and Zoning Commission held a public hearing on March 12, 2003 to consider the Land Use Plan Amendment request for the property. The applicant is requesting to designate approximately .53 acres be designated for "Commercial" on the Rochester Urban Service Area Land Use Plan.</p> <p>Mr. Josh Johnson, of McGhie &amp; Betts, Inc., addressed the Commission and explained the applications submitted by the applicant and the zoning history of the property.</p> <p>The Commission discussed whether the area proposed to be designated "Commercial" is appropriate based on the criteria as included in the staff report. The Commission recommended denial, with the following findings.</p> <p>Mr. Staver made a motion to recommend <u>denial</u> Land Use Plan Amendment #03-03 by Jerry Rishavy based on staff findings. Ms. Petersson seconded the motion. The motion carried 6-2, with Mr. Quinns and Mr. Burke voting nay.</p> <p>a) <i>The lot does have direct access to the east frontage road of Trunk Highway 52. The access to the property is a shared access with the property located to the south.</i></p> <p>b) <i>The property has relatively flat terrain.</i></p> <p>c) <i>The commercial land use designation does allow for a number of different types of land uses. The property is currently used of the office for the automobile sales lot located to the west. The use of the property was considered to be conforming to the zoning ordinance and provides for a transition area from the lower intensity development (single family residential) to the east to the higher intensity development to the west (auto sales lot).</i></p> <p>d) <i>Although the City of Rochester Zoning Ordinance and Land Development Manual has site appearance standards which will need to followed when the property is developed certain uses may not be appropriate on the property and actually be detrimental to the residential neighborhood to the east.</i></p> <p><b><u>Planning Staff Recommendation:</u></b></p> <p>See attached staff report dated March 6, 2003</p> <p><b><u>Council Action Needed:</u></b></p> <p>1. <i>The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the Land Use Plan (as included in the staff report).</i></p> <p>2. <i>If the Council wishes to proceed with the land use plan amendment as petitioned, it should instruct the City Attorney to prepare a resolution supported by findings of fact and conclusions of law.</i></p> <p><b>COUNCIL ACTION:</b> Motion by: _____ Seconded by: _____ to: _____.</p>		

930

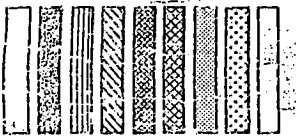
# LOCATION MAP



# LAND USE PLAN MAP

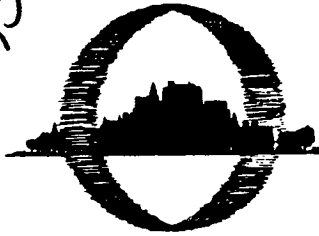


## LEGEND



- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- COMMERCIAL
- MEDICAL
- INDUSTRIAL
- PUBLIC
- RECREATIONAL AREA & OPEN SPACE
- FLOOD PRONE AREA

232

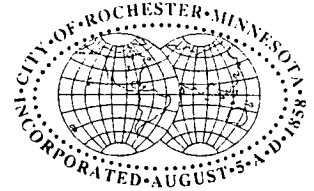


## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*



**TO:** City Planning and Zoning Commission

**FROM:** Brent Svenby, Planner

**DATE:** March 6, 2003

**RE:** Land Use Plan Amendment petition #03-03 by Jerry Rishavy to amend the Land Use Plan designation from "medium density residential" to "commercial" on approximately .53 acres of land located along the east frontage road of T.H. 52, north of 26<sup>th</sup> Street NW.

### Planning Department Review:

**Petitioner/Property Owner:** Jerry Rishavy  
4741 Common Place NW  
Rochester, MN 55901

**Consultant:** McGhie & Betts, Inc.  
1648 3<sup>rd</sup> Avenue SE  
Rochester, MN 55904

**Location of Property:** The property is located along the east frontage road of T.H. 52, north of 26<sup>th</sup> Street NW.

**Requested Action:** The applicant requests to amend the Rochester Urban Service Area Land Use Plan to designate approximately .53 acres of land for "commercial" uses. The property is currently designated for "medium density residential" uses. A Zoning District Amendment and a General Development Plan #204 are being considered concurrent with this application.

**Existing Land Use:** Single family home on the property has been converted into the office for the Short Line Auto sales lot which is located on the westerly portion of the property. The portion of the property with the auto sales lot is zoned B-4.

**Proposed Land Use:** The applicant has also filed a zone change petition and a General Development Plan # 204 known as Rishavy Property to change the zoning on .53 acres from the medium density residential district to the general commercial district. No specific use is identified on the GDP, just all uses allowed in the B-4 zoning district.

**Adjacent Land Use and Zoning:** East: Property zoned R-1 (Mixed Single Family) and developed with single family homes.



South: Property to the south is zoned R-3 (Medium Density Residential) on the City of Rochester Zoning Map. Currently a church is being constructed on the back of the lot.

North: Across a drainage corridor is Park Place Motors which is zoned B-4 (General Commercial).

West: Highway 52 is located to the west. Across Highway 52 is property zoned M-2 (Industrial).

**Transportation Access:**

Access to this property is from the Frontage Road. There is a 32 foot wide access opening that is shared with the property to the south. The existing driveway serves the office.

**Wetlands:**

According to the Olmsted County Soil Survey, hydric soils exist on the site. Prior to any development on the site, a wetland investigation needs to be completed and appropriate information submitted to the Local Government Unit.

**Neighborhood Meeting:**

A neighborhood meeting was held on Wednesday, February 26, 2003. A summary of the meeting is attached.

**Referral Comments:**

1. Planning Department - Wetlands
2. Rochester Public Works
3. RPU - Water Division
4. RPU - Operations Division
5. Fire Department

**Report Attachments:**

1. Location Map
2. Land Use Plan Map
3. Referral Comments - see GDP Report
4. Neighborhood Meeting Summary

**Analysis:**

The Rochester Urban Service Area Land Use Plan identifies location criteria for "Highway Commercial" types of uses as follows:

- a) *On major highway approaches with access to a frontage road (or in the case of lodging establishments, in close proximity to major visitor attractions such as medical complex).*
- b) *Having relatively flat terrain.*
- c) *Providing for a concentration of similar uses.*

- d) *Not detrimental to the safety or appearance of the surrounding area.*

**Staff Suggested Findings:**

- a) *The lot does have direct access to the east frontage road of Trunk Highway 52. The access to the property is a shared access with the property located to the south.*
- b) *The property has relatively flat terrain.*
- c) *The commercial land use designation does allow for a number of different types of land uses. The property is currently used of the office for the automobile sales lot located to the west. The use of the property was considered to be conforming to the zoning ordinance and provides for a transition area from the lower intensity development (single family residential) to the east to the higher intensity development to the west (auto sales lot).*
- d) *Although the City of Rochester Zoning Ordinance and Land Development Manual has site appearance standards which will need to followed when the property is developed certain uses may not be appropriate on the property and actually be detrimental to the residential neighborhood to the east.*

**Staff Recommendation:**

*Based on the above suggested findings, staff does not recommend approval to amend the Rochester Urban Service Area Land Use Plan to designate approximately .53 acres of land for "commercial" types of uses.*

235

**MINUTES OF THE  
NEIGHBORHOOD INFORMATIONAL MEETING  
FOR  
RISHAVY ZONE CHANGE, GENERAL DEVELOPMENT PLAN, & LAND USE  
PLAN AMENDMENT  
ON FEBRUARY 26, 6:30 PM  
AT MCGHIE & BETTS, INC  
1648 3<sup>RD</sup> AVE. SE**

**In Attendance:** See attached list.

**Purpose:** The purpose of the meeting was to introduce the proposed project to the neighborhood and answer questions and document concerns or issues that may need further investigation.

**General Discussion:**

The meeting was a very informal affair. Other than Josh Johnson and the owners, David Benda was the only other person in attendance. We briefly discussed the project and what the intent of the owner is for proceeding with the GDP, Zone Change, and Land use Plan Amendment at this time. Mr. Rishavy feels that he has a good relationship with the surrounding neighbors and felt that this was a good time to complete the rezoning for the property. Mr. Rishavy has no intent to do anything on the east half of the property at this time and understands that he will have to go through an amended site plan process when he decides to do such. Mr. Rishavy also stated in the meeting that he is willing to work with the neighbor that abuts his rear property to establish some sort of bufferyard that is acceptable to both of them. It was stated that when the Word of Life Church was built they removed some 30'-40' pine trees that acted as buffer and the rear yard neighbor would like to see something put back in to replace those.

Also presented at the meeting was the following:

1. Handouts:
  - a. General Development Plan

Pc Jerry Rishavy

234

# Attendance Roll

## NEIGHBORHOOD MEETING

**PROJECT:** RISHAVY'S ZONE CHANGE & GENERAL DEVELOPMENT

**DATE:** FEBRUARY 26, 2003

**TIME:** 6:30 P.M.

**PLACE:** McGhie & Betts, Inc.  
1648 SE Third Avenue  
Rochester, MN 55904

NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
1. <i>Jerry P. Rishavy</i>	4741 Common PL NW	208-1838
2. <i>DAVID BENDA</i>	1006 - 20TH ST NW	288-4420
3. <i>JOSH JOHNSON</i>	McGhie & Betts Inc	289-3919
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		

237 -

**recommendation to the City Council.**

\* Land Use Plan Amendment petition #03-03 AND Zoning District Amendment #03-07 by Jerry Rishavy to amend the Land Use Plan designation from "medium density residential" to "commercial" on approximately .53 acres of land located along the east side of the East Frontage Road of Highway 52, north of 26<sup>th</sup> Street NW and south of Park Place Motors. The property is proposed to be zoned B-4 (General Commercial) to allow for uses permitted in the B-4 zoning district. The westerly portion of the lot was rezoned to the B-4 district in 2002.

**AND**

General Development Plan #204 by Jerry Rishavy. The applicant is proposing to develop the east portion of a parcel of land located north of 26<sup>th</sup> Street NW, along the east frontage road of T.H.52 with commercial uses permitted in the B-4 (General Commercial) zoning district. The westerly portion was rezoned to the B-4 district in 2002.

Ms. Mitzi A. Baker presented the staff reports, dated March 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker explained the history of the property with previous application requests.

Mr. Staver asked if the use of the existing house is an approved use in the current zoning district.

Ms. Baker responded yes. She explained that an office in the R-3 zoning district is permitted.

Mr. Staver asked why the applicant was requesting to change the zoning district if the use is permitted.

Ms. Baker deferred the question to the applicant.

Discussion ensued regarding zoning district uses and access restrictions to certain roads.

Mr. Josh Johnson, of McGhie & Betts (1648 Third Avenue SE, Rochester MN), addressed the Commission. He showed a current zoning map of the properties in the area. One year ago, the previous property owner applied for and received approval of a land use plan, zone change, and general development on the westerly portion of the site. Since then, Mr. Rishavy has purchased the land and gone through a site plan approval process and established a car sales lot on the property. The existing house is still located in the R-3 zoning district. Mr. Rishavy has reconfigured a room to meet ADA standards for the use of an office for the car sales lot. At this time, the existing garage is located in the R-3 zoning district. Therefore, he is unable to use it for the car sales lot. The proposed requests are similar to those granted to Park Place Motors and others along the frontage road. The request is appropriate for Highway Commercial due to flat terrain, access to the frontage road, and there is a concentration of similar uses. The lot shares approximately 70 feet of lot line with the rear yard neighbor. He indicated that site appearances standards would need to be followed when the property is further developed. This includes a bufferyard.

Mr. Johnson stated the applicant does not propose to expand his sales lot at this time. He would just like to be able to use his garage for business. He indicated that what he could build on the site would be more intensive than what is being proposed.

Mr. Johnson stated that the applicant does not plan to take access onto Cascade Street.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Wiesner expressed concern that a new property owner could gain access to Cascade Street.

Mr. Staver stated that, with regard to prior approval, part of the rationale was to maintain a buffer.

Mr. Burke asked if the Commission could put a stipulation upon approval that no access be given to Cascade Street.

Ms. Baker responded that it would need to be done through dedication of access control.

Mr. Johnson stated that, if the general development plan were approved and there was a condition that they could not take access onto Cascade Street, if the property was sold, it would have to go through another general development plan process to have any changes. He questioned why it could not be dedicated like an easement.

Mr. Burke stated that he was concerned that, if the property is left as is, it will deteriorate.

Ms. Rivas stated that the long-term use of the property needed to be considered. She indicated that she would be more comfortable if the lot was split that still had an R-3 buffer.

Discussion ensued regarding access to Cascade Street.

**Mr. Staver moved to recommend denial of Zoning District Amendment #03-07 by Jerry Rishavy based on staff recommendations and findings. Mr. Hodgson seconded the motion. The motion carried 6-2, with Mr. Quinn and Mr. Burke voting nay.**

**Mr. Staver moved to recommend denial of Land Use Plan Amendment petition #03-03 by Jerry Rishavy based on staff recommendations and findings. Ms. Petersson seconded the motion. The motion carried 6-2, with Mr. Quinn and Mr. Burke voting nay.**

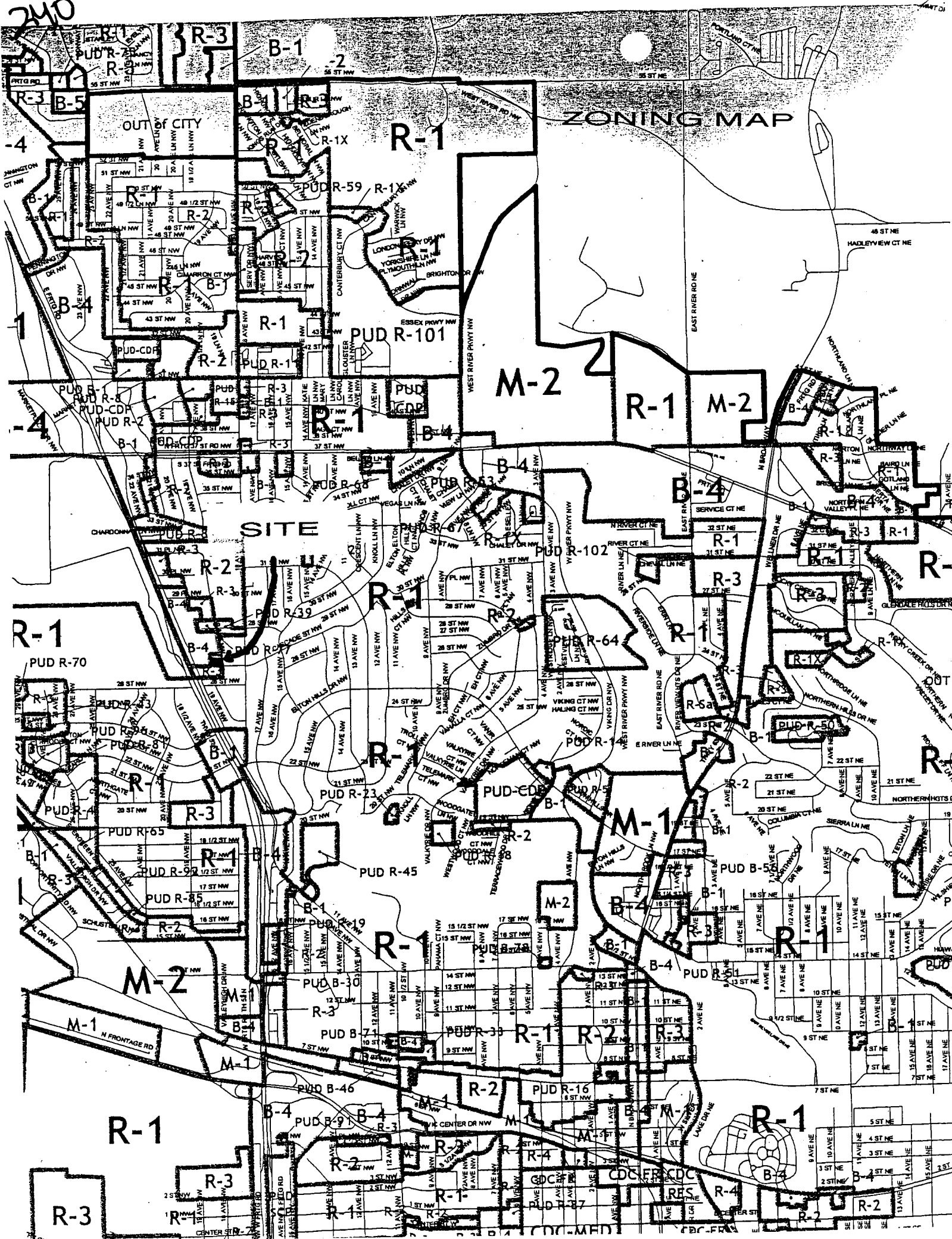
**Mr. Staver moved to recommend denial of General Development Plan #204 by Jerry Rishavy based denial of the land use plan amendment and zoning district amendment. Ms. Petersson seconded the motion. The motion carried 6-2, with Mr. Quinn and Mr. Burke voting nay.**

*The Commission took a break.*

~~Land Subdivision Permit (Preliminary Plat) #03-07 to be known as Stonehedge Estates Second Subdivision, by Stonehedge Land Development LLC. The Applicant is proposing to subdivide approximately 119.78 acres of land into 152 lots for single family development and 14 Outlots. The applicant is requesting a Design Modification #03-02 to not construct a secondary access as required in the Zoning Ordinance and Land Development Manual. The Plat also proposes to dedicate new public roadways. The~~

239-

<b>AGENDA SECTION:</b> PUBLIC HEARINGS	<b>ORIGINATING DEPT:</b> PLANNING	<b>ITEM NO.</b> E-9
<b>ITEM DESCRIPTION:</b> Zoning District Amendment #03-07 by Jerry Rishavy to re-zone approximately .53 acres of land from the R-3 (Medium Density Residential) district to the B-4 (General Commercial) district. The property is located along the east side frontage road of T.H. 52, north of 26 <sup>th</sup> Street NW and south of Park Place Motors. The westerly portion of the lot was rezoned to the B-4 district in 2002.		<b>PREPARED BY:</b> Brent Svenby, Planner
April 1, 2003 <i>NOTE: See comments + CPZC minutes from previous LUPA hearing.</i>		
<b><u>City Planning and Zoning Commission Recommendation:</u></b>		
The City Planning and Zoning Commission held a public hearing on March 12, 2003 to consider this zone change. The Commission also reviewed a Land Use Plan Amendment and GDP for the property.		
The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended denial, with staff suggested findings.		
Motion by Mr. Staver, seconded by Mr. Hodgson to recommend denial of Zoning District Amendment #03-07, with staff-recommended findings. Motion carried 6-2, with Mr. Quinn and Mr Burke voting nay.		
<b><u>Planning Staff Recommendation:</u></b>		
See attached staff report dated March 6, 2003.		
<b><u>Council Action Needed:</u></b>		
<i><b>If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning District.</b></i>		
<b><u>Attachments:</u></b>		
1. Staff Report dated March 6, 2003 2. Minutes of the March 12, 2003 CPZC Meeting (attached to LUPA RCA)		
<b><u>Distribution:</u></b>		
1. City Clerk 1. City Administrator 2. City Attorney: Legal Description attached to LUPA 3. Planning Department File 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 7, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE. 6. McGhie & Betts, Inc.		
<b>COUNCIL ACTION:</b>		
<b>Motion By:</b>	<b>Seconded By:</b>	<b>Action:</b>

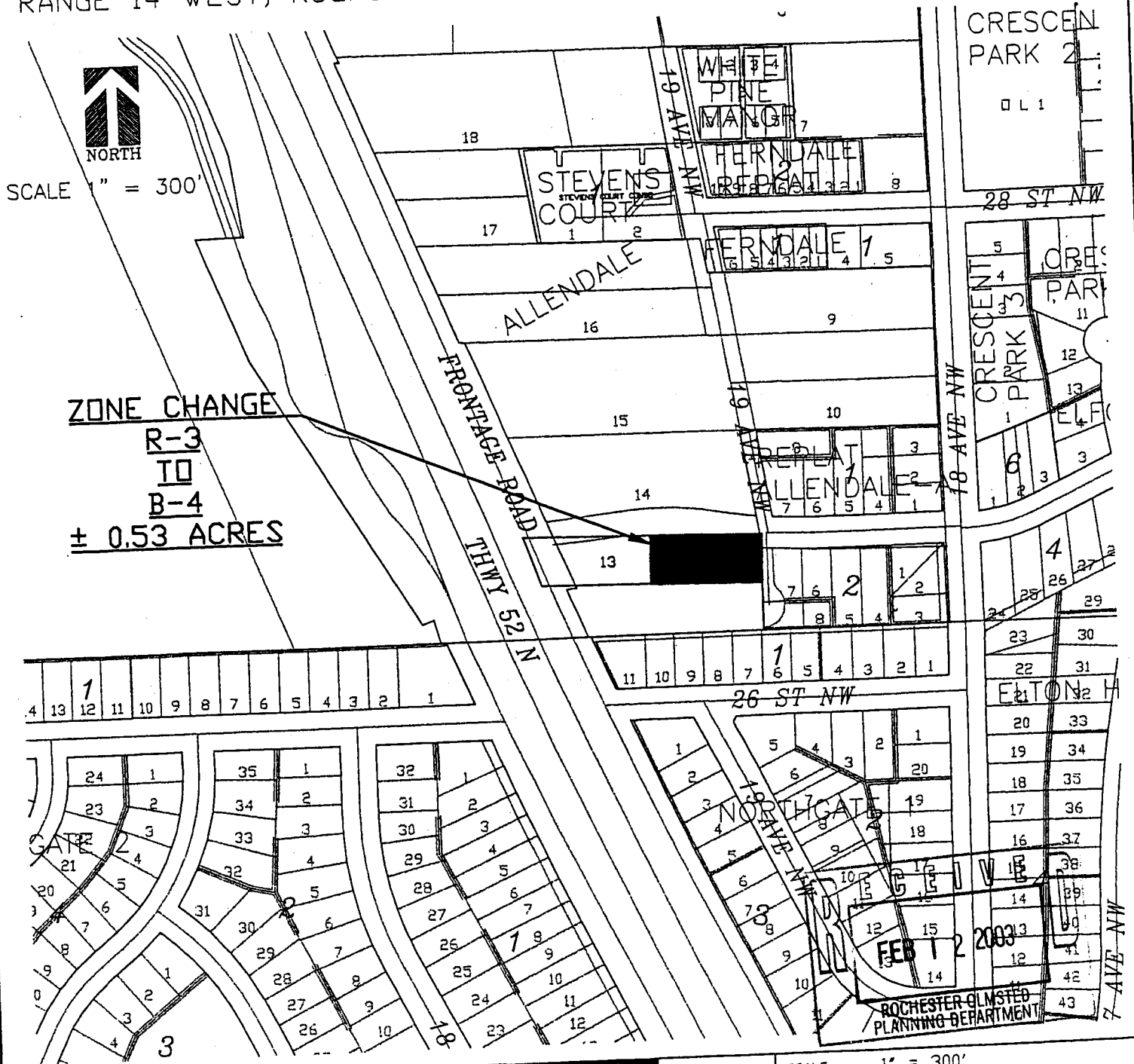


241

# ZONE CHANGE EXHIBIT

## DESCRIPTION:

The east 229.00 feet of Lot 13, ALLENDALE- A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 22 TOWNSHIP 107 NORTH RANGE 14 WEST, Rochester, Minnesota.



FOR: JERRY RISHAVY  
SHORT LINE AUTO, INC.  
2622 HWY 52 NORTH  
ROCHESTER, MN  
55901

Land Surveying  
Urban-Land  
Planning  
Consulting - Civil  
Engineering

1648 Third Avenue S.E.  
Rochester, MN 55904  
Telephone: 507.288.3818  
Facsimile: 507.289.7333

McGhie



Betts, Inc.

Geotechnical  
Engineering  
Construction Material  
Testing  
Landscape  
Architecture

email: mbi@mcghebetta.com

SCALE: 1" = 300'

DRAWN BY: JJJ

DATE: 02/12/03

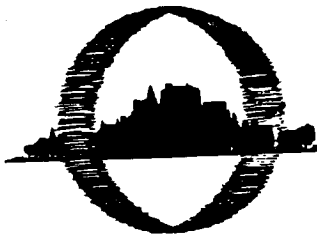
ACCT. NO.: 7238/3031

Cadd No. 3031ZONE

FILE NO.: BK. PG.

242

**ROCHESTER-OLMSTED PLANNING DEPARTMENT**  
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF  
*Olmsted*



**TO:** City Planning and Zoning Commission

**FROM:** Brent Svenby, Planner

**DATE:** March 6, 2003

**RE:** Zoning District Amendment #03-07 by Jerry Rishavy to re-zone approximately .53 acres from the R-3 (Medium Density Residential) district to the B-4 (General Commercial) zoning district. The property is located along the east frontage road of T.H. 52, north of 26<sup>th</sup> Street NW.

**Planning Department Review:**

**Petitioner/Property Owner:**

Jerry Rishavy  
4741 Common Place NW  
Rochester, MN 55901

**Consultant:**

McGhie & Betts, Inc.  
1648 3<sup>rd</sup> Avenue SE  
Rochester, MN 55904

**Location of Property:**

The property is located along the east frontage road of T.H 52, north of 26<sup>th</sup> Street NW.

**Requested Action:**

The applicant is requesting to rezone .53 acres of land from the R-3 (Medium Density Residential) to the B-4 (General Commercial) zoning district. The rezoning request on for the westerly portion of the lot. The easterly portion was rezoned to the B-4 district in 2002.

**Existing Land Use:**

Single family home on the property has been converted into the office for the Short Line Auto sales lot which is located on the westerly portion of the property. The portion of the property with the auto sales lot is zoned B-4.

**Proposed Land Use:**

The applicant has also filed a Land Use Plan amendment and a General Development Plan # 204 to be known as Rishavy Property to change the land use designation on .53 acres from medium density residential to general commercial. No specific use is identified on the GDP, just all uses allowed in the B-4 zoning district.

**Adjacent Land Use and Zoning:**

East: Property zoned R-1 (Mixed Single Family) and developed with single family homes.



243

South: Property to the south is zoned R-3 (Medium Density Residential) on the City of Rochester Zoning Map. Currently a church is being constructed on the back of the lot.

North: Across a drainage corridor is Park Place Motors which is zoned B-4 (General Commercial).

West: Highway 52 is located to the west. Across Highway 52 is property zoned M-2 (Industrial).

**Transportation Access:**

Access to this property is from the Frontage Road. There is a 32 foot wide access opening that is shared with the property to the south. The existing driveway serves the office.

**Wetlands:**

According to the Olmsted County Soil Survey, hydric soils exist on the site. Prior to any development on the site, a wetland investigation needs to be completed and appropriate information submitted to the Local Government Unit.

**Neighborhood Meeting:**

A neighborhood meeting was held on Wednesday February 26, 2003. A summary of the meeting is attached.

**Referral Comments:**

1. Planning Department - Wetlands
2. Rochester Public Works
3. RPU - Water Division
4. Fire Department
5. RPU - Operations Division

**Report Attachments:**

1. Location Map
2. Area Zoning Map
3. Referral Comments – see GDP report
4. Neighborhood Meeting Summary – see land use plan amendment report

**Analysis for Zoning District Amendment:**

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
  - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
  - b) The area was originally zoned erroneously due to a technical or administrative error;

- c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
- d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

***The areas adjacent to the R-3 district portion of the property consist of R-3 zoning to the north and south and R-1 zoning to the east. The R-3 zoning acts a transition zone, buffering the lower intensity uses (R-1 zoning) for the higher intensity uses (B-4).***

***It appears that the property was not zoned erroneously and that the present zoning is not inconsistent with the Comprehensive Plan. The entire lot was zoned R-3 until last year at which time the westerly portion of the property was rezoned to the B-4 zoning district. The rezoning of the westerly portion allowed for the development of higher intensity commercial uses while keeping the easterly portion in a lower intensity zoning district. While the easterly portion of the lot stayed in the R-3 zoning district the use changed from a single family home into an office for the auto sale lot located on the westerly portion of the lot. Establishing an office in the R-3 zoning district is a permitted use. By keeping this portion of the lot zoned R-3 provides the neighborhood to the east a sense of buffering of the commercial use established on the westerly portion of the lot.***

***The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "medium density residential" types of uses. A Land Use Plan amendment is being considered concurrent with this application. If the Land Use Plan amendment from "medium density residential" to "commercial" is approved, zoning the .56 acres of land to B-4 (General Commercial) would be consistent with a "commercial" land use designation.***

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
  - a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

***Though uses permitted in the proposed B-4 (General Commercial) district may be appropriate on the property, they are less likely to be compatible with the adjacent residential neighborhood than uses in the existing R-3 (Medium Density Residential) district. The current use of this portion of the lot, as an office of the auto sale lot, is a conforming use the R-3 zoning district.***

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

***The amendment to B-4 would be consistent with the Rochester Urban Service Area Land Use Plan, if the Land Use Plan Amendment which is being considered***

245

*concurrently is approved, and adjacent to property currently zoned B-4. The proposed amendment would not be considered spot zoning.*

**Staff Recommendation:**

*It does not appear as though the findings support this zone change request. If the Planning Commission or City Council determines that this request should be approved, new findings will need to be specified.*

246

# REQUEST FOR COUNCIL ACTION

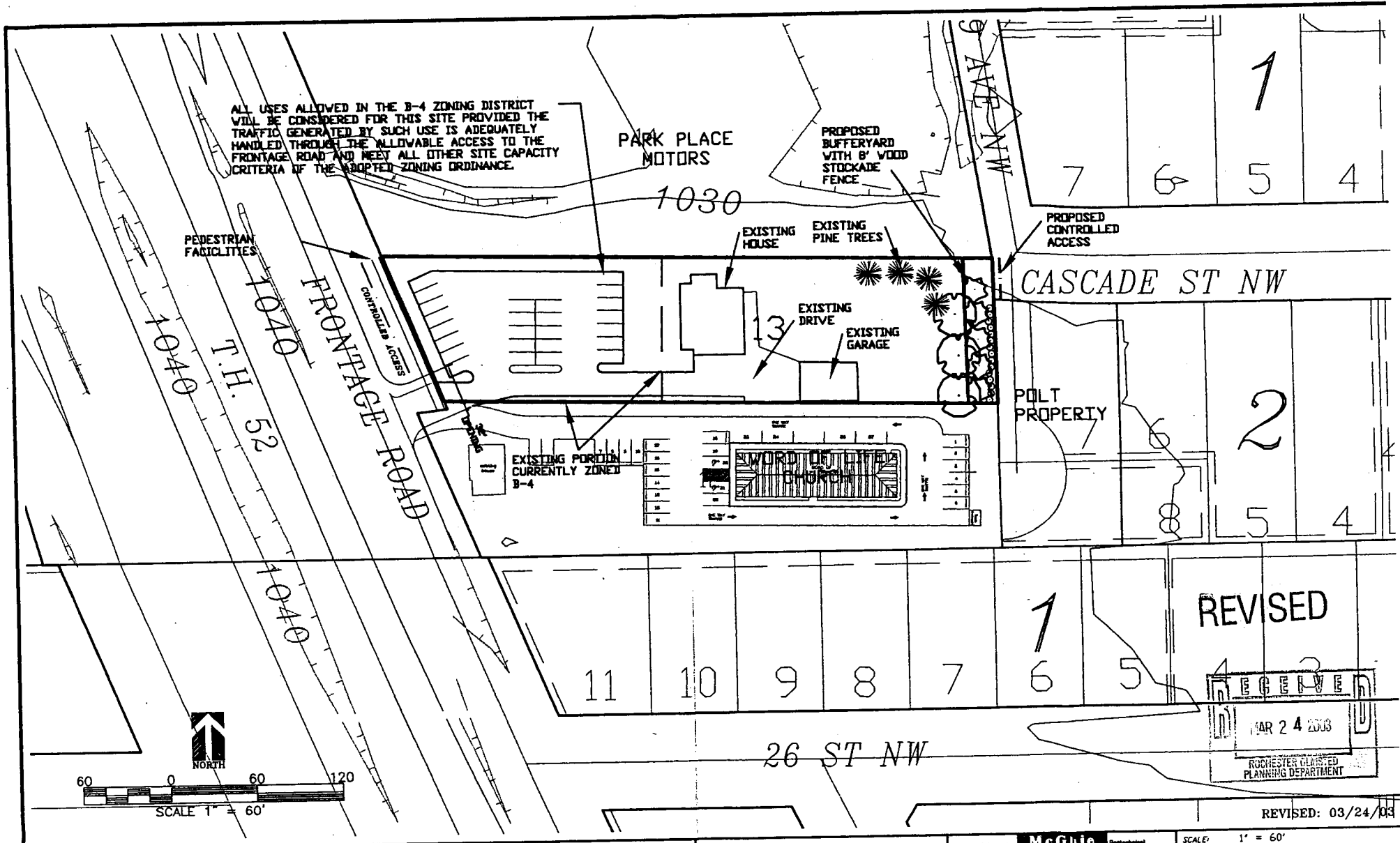
MEETING

DATE: 4-7-03

247-

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-10
ITEM DESCRIPTION: General Development Plan #204 by Jerry Rishavy. The applicant is proposing to develop the east portion of a parcel of land located north of 26 <sup>th</sup> Street NW, along the east frontage road of T.H.52 with commercial uses permitted in the B-4 (General Commercial) zoning district. The westerly portion was rezoned to the B-4 district in 2002.		PREPARED BY: Brent Svenby, Planner
<p>March 11, 2002 <i>NOTE: See CPZC minutes from previous LUPA hearing.</i></p> <p><b><u>City Planning and Zoning Commission Recommendation:</u></b></p> <p>On March 12, 2003 the City Planning and Zoning Commission reviewed this General Development Plan. The Commission also reviewed a Land Use Plan Amendment and zone change for the property</p> <p><i>A revised GDP was submitted on March 24<sup>th</sup> indicating a bufferyard with an 8 foot high wood stockade fence along the east property boundary. This bufferyard is what would be required if the property was zoned B-4 and developed as a sales lot. No additional buffering is being provided.</i></p> <p>The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.</p> <p>Mr. Staver made a motion to recommend denial of General Development Plan #204 by Jerry Rishavy based on denial of the land use plan amendment and zoning district amendment. Ms. Petersson seconded the motion. The motion carried 6-2, with Mr. Quinn and Mr. Burke voting nay.</p> <p><b><u>Planning Staff Recommendation:</u></b></p> <p>See attached staff report dated March 6, 2003.</p> <p><b><u>Council Action Needed:</u></b></p> <ol style="list-style-type: none"><li>1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.</li><li>2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.</li></ol> <p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"><li>1. Staff Report dated March 6, 2003</li><li>2. Minutes of the March 12, 2003 CPZC Meeting (attached to the LUPA RCA)</li></ol> <p><b><u>Distribution:</u></b></p> <ol style="list-style-type: none"><li>1. City Administrator</li><li>2. City Attorney</li><li>3. Planning Department File</li><li>4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, April 7, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.</li><li>5. McGhie &amp; Betts, Inc.</li></ol> <p><b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____</p>		

248



# GENERAL DEVELOPMENT PLAN

FDR: JERRY RISHAVY  
SHORT LINE AUTO, INC.  
2622 HWY 52 NORTH  
ROCHESTER, MN  
55901

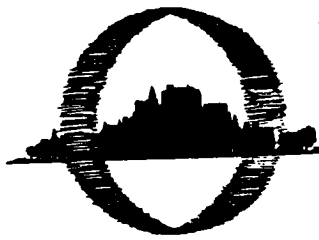
McGhie  
Bettis, Inc.

Land Services  
Engineering  
Planning  
Consulting - Civil  
Mapping

Professional  
Seal  
Stamp  
License  
Registration

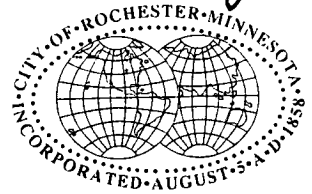
State of Minnesota  
Professional Engineer  
No. 000000  
Expiration 12/31/2003

SCALE: 1" = 60'	DATE: 02/12/03
DRAWN BY: JJJ	ACCT. NO.: 7238/3031
FILE NO.: BK.	PG.



**ROCHESTER-OLMSTED PLANNING DEPARTMENT**  
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



**TO:** City Planning and Zoning Commission

**FROM:** Brent Svenby, Planner

**DATE:** March 6, 2003

**RE:** General Development Plan #204 by Jerry Rishavy. The applicant is proposing to develop a parcel of land located north of 26<sup>th</sup> Street NW, along the east frontage road of T.H. 52 with commercial uses permitted in the B-4 (General Commercial) zoning district.

**Planning Department Review:**

**Petitioner/Property Owner:**

Jerry Rishavy  
4741 Common Place NW  
Rochester, MN 55901

**Consultant:**

McGhie & Betts, Inc.  
1648 Third Ave. SE  
Rochester, MN 55904

**Location of Property:**

The property is located along the east frontage road of T.H 52, north of 26<sup>th</sup> Street NW.

**Proposed Use:**

No specific use is identified on the GDP. A note on the GDP indicates that all uses allowed in the B-4 zoning district will be considered for the property. .

**Land Use Plan:**

The Rochester Urban Service Area Land Use Plan currently designates the property for "medium density residential" uses. The applicant has filed a Land Use Plan Amendment petition to change the designation from "medium density residential" to the "commercial" designation.

**Zoning:**

The property is currently zoned R-3 (Medium Density Residential) on the City of Rochester Zoning Map. The applicant has filed a zoning district amendment to change to zoning from the R-3 district to the B-4 (General Commercial) zoning district.

**Streets:**

Access to this property is from the Frontage Road. There is a 32 foot wide access opening that is shared with the property to the south. The existing driveway serves the office.



250

**Drainage:**

A Storm Water Management fee will apply to any new areas of impervious surface associated with the development which does not drain to a permanent on-site detention facility.

Detailed grading and drainage plans will also be required when the property is developed.

**Wetlands:**

According to the Olmsted County Soil Survey, hydric soils exist on the site. Prior to any development on the site, a wetland investigation needs to be completed and appropriate information submitted to the Local Government Unit.

**Public Utilities:**

Services are available to serve this property.

**Parkland Dedication:**

Since this is a commercial development, there are no parkland dedication requirements.

**Referral Comments:**

1. Rochester Public Works
2. RPU Water Division
3. RPU Operations Division
4. Fire Department
5. Planning Department - Wetlands
6. MnDOT

**Report Attachments:**

1. Copy of Proposed GDP
2. GDP Narrative
3. Referral Letters (2)

**Analysis:**

No specific use is identified on the .53 acre parcel. However, the GDP list that all uses allowed in the B-4 zoning district will be considered for the property.

**Criteria & Staff Suggested Findings:**

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan. The criteria and the staff suggested findings are as follows:

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

251

***A Land Use Plan amendment and Zoning District amendment are being considered concurrent with this GDP. If the amendments are approved, the land uses within the B-4 zoning district would be consistent with the land use designation for the property.***

- Criteria B. The proposed development, including its lot sizes, density, accesses and circulation are compatible with the existing and/or permissible future use of adjacent property.

***The commercial land use designation does allow for a number of different types of land uses. The property is currently used of the office for the automobile sales lot located to the west. The use of the property was considered to be conforming to the zoning ordinance and provides for a transition area from the lower intensity development (single family residential) to the east to the higher intensity development to the west (auto sales lot).***

***A Land Use Plan amendment and Zoning District amendment are being considered concurrent with this GDP. If the amendments are approved, the land uses within the B-4 zoning district would be consistent with the land use designation for the property.***

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

***Not applicable to commercial development.***

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

***Access to the property is from the east frontage road of Trunk Highway 52. The access from the property is a 32 foot wide shared access opening with the property to the south.***

- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

***Access to the property is from the east frontage road of Trunk Highway 52. The access from the property is a 32 foot wide shared access opening with the property to the south.***

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

***Services are available to serve this property. At the time a specific use is proposed for the property, the use will need to proceed through the Site Development Plan review process at which time utilities will be reviewed in more detailed.***

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

***No storm water management facilities are identified on this GDP. A Storm Water Management fee will apply to any new areas of impervious surface associated with the development which does not drain to a permanent on-site detention facility.***

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

***No storm water management facilities are identified on this GDP. A Storm Water Management fee will apply to any new areas of impervious surface associated with the development which does not drain to a permanent on-site detention facility.***

***Detailed grading and drainage plans will also be required when the property is developed.***

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

***Access to this property is from a 32 feet wide shared access opening with the property to the south. Zoning district appearance standards will be reviewed in detail at time when a specific use is proposed on the property and is reviewed through the Site Development Plan review process.***

253

**Recommendation:**

***The applicant has filed petitions to amend the Rochester Urban Service Area Land Use Plan to designate .53 acres to the 'commercial' designation and to rezone .53 acres to the B-4 zoning district.***

***If the Commission and Council do not approve the re-zoning petition and Land Use Plan Amendment, this GDP should be denied.***

***If the CPZC and Council decide that the .53 acre site meets the criteria for the applications submitted, staff would suggest the conditions be placed on the GDP:***

- 1. A grading plan is required for any new development of this property, if the grading involves more than 50 cubic yards. A storm water management fee shall apply to any new areas of impervious surface associated with development of the site that does not drain to a permanent on-site detention facility.***
- 2. Prior to the development of the property, any proposed use shall be reviewed through the Site Development Plan review process.***
- 3. The owner shall dedicate a "Noise Easement" to the City/MnDOT.***

254

## WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: LUP Amendment #03-03 and Zoning District  
Amendment #03-07

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☒ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

255  
DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

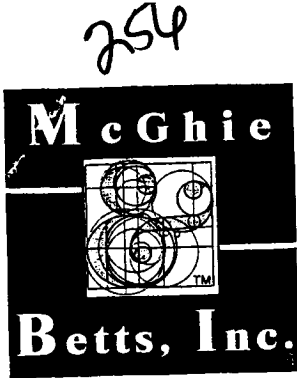
DATE: 2/28/03

The Department of Public Works has reviewed the application for General Development Plan #204 for the Rishavy Property. The following are Public Works comments on this request:

1. Development of the westerly B-4 portion of this property has previously been reviewed as Site Development Plan application SDP#02-14. Through that review process access and required pedestrian facilities have been addressed. In addition, the Owner has paid its applicable Storm Water Management fee for the benefit of participation in the City's Storm Water Management Plan, for the impervious surface proposed through SDP#02-14.
2. Development/Redevelopment of the property involving grading of more than 50 cu yds of material will require separate Grading Plan approval.
3. If additional development takes place on the Property, a Storm Water Management fee will be applicable to any areas of new impervious surface.
4. Execution of a Contribution Agreement is required to address the Owner's obligations regarding the future reconstruction of the East Frontage Road, and construction of 19<sup>th</sup> St NW / Cascade St NW.
5. The Owner is required to dedicate a "Noise Easement" to the City / MnDOT.

This Property has previously been assessed and paid charges for the J8261 Sanitary Sewer & Watermain project. The following additional development charges are applicable to the Property, if addition development/redevelopment will involve any new utility service connection(s) to City sewer and/or water. (rates below are current through 7/31/03):

- ❖ Water Availability Charge @ \$1790.25 per developable acre
- ❖ Sewer Availability Charge (SAC) @ \$1790.25 per developable acre.
- ❖ Storm Water Management – TBD, for any impervious surface that was not included as part of the SDP#02-14 application approval.



Rochester  
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

## GENERAL DEVELOPMENT PLAN RISHAVY PROPERTY

Our client, Mr. Jerry Rishavy – Short Line Auto, proposes a zone change from R-3, medium density residential, to B-4, general commercial, on approximately 0.53 acres on Lot 13, Allendale Subdivision. Due to this rezoning, the applicant is also required by the City of Rochester Zoning Ordinance to go through the process of a General Development Plan and also a Land Use Plan Amendment.

The property is adjacent to Park Place Motors to the north, which is currently zoned B-4 and the Word of Life Church, which is to the south, which is zoned R-3.

The following is a written summary of the General Development Plan in accordance with Appendix B E-3.

- a) Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.

*There are no topographic or soil conditions on the site which create any potential problems for design or construction of any structures or roads.*

*According to the National Wetland Inventory Maps there are no wetlands located on the site.*

- b) Storm drainage problems which, in the estimation of the applicant, may result in the increase of normal costs.

*The storm drainage does not appear to cause problems that will result in the increase of normal costs.*

- c) Identification of potential off-site drainage problems.

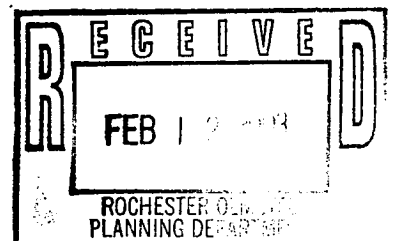
*The applicant intends to participate in the city's regional storm water management plan. There should be no problem with off-site drainage created by this development.*

1648 Third Avenue S.E.  
Rochester, MN 55904

Tel. 507.289.3919  
Fax. 507.289.7333

e-mail. mcghiebetts.com

Established 1946



257

- d) Availability of utilities to serve the area under construction.

*This site will be served with the existing utilities that serve the site now.*

- e) Identification of possible erosion problems which may arise in the estimation of the applicant.

*No erosion control problems are estimated with this site. However, at the time of any future construction, erosion control measures will be incorporated into the grading plan and final design if needed.*

- f) A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.

*There will be no phasing for this project.*

252

# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4-1-03

254

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-11
ITEM DESCRIPTION: Zoning District Amendment #03-06 by Dallas Backhaus requesting to amend the zoning district for approximately 20.09 acres from the R-1 (Mixed Single Family) district, to the R-1X (Mixed Single Family Extra) district. The property is located along the south side of 20 <sup>th</sup> St. SE, east of Marion Road and south of 20 <sup>th</sup> St./37 <sup>th</sup> Ave. SE intersection. A General Development Plan is being considered concurrent with this application.		PREPARED BY: Mitzi A. Baker, Senior Planner

March 31, 2003

## City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on March 12, 2003, to consider this petition.

**Ms. Petersson moved to recommend approval of Zoning District Amendment #03-06 by Dallas Backhaus with staff recommended findings. Mr. Quinn Seconded the motion. The motion carried 5-3.**

## Planning Staff Recommendation:

See attached staff report.

## Council Action Needed:

*The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on this zone change.*

*If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.*

## Distribution:

1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
4. Planning Department File
5. Land Consultants
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday April 7, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

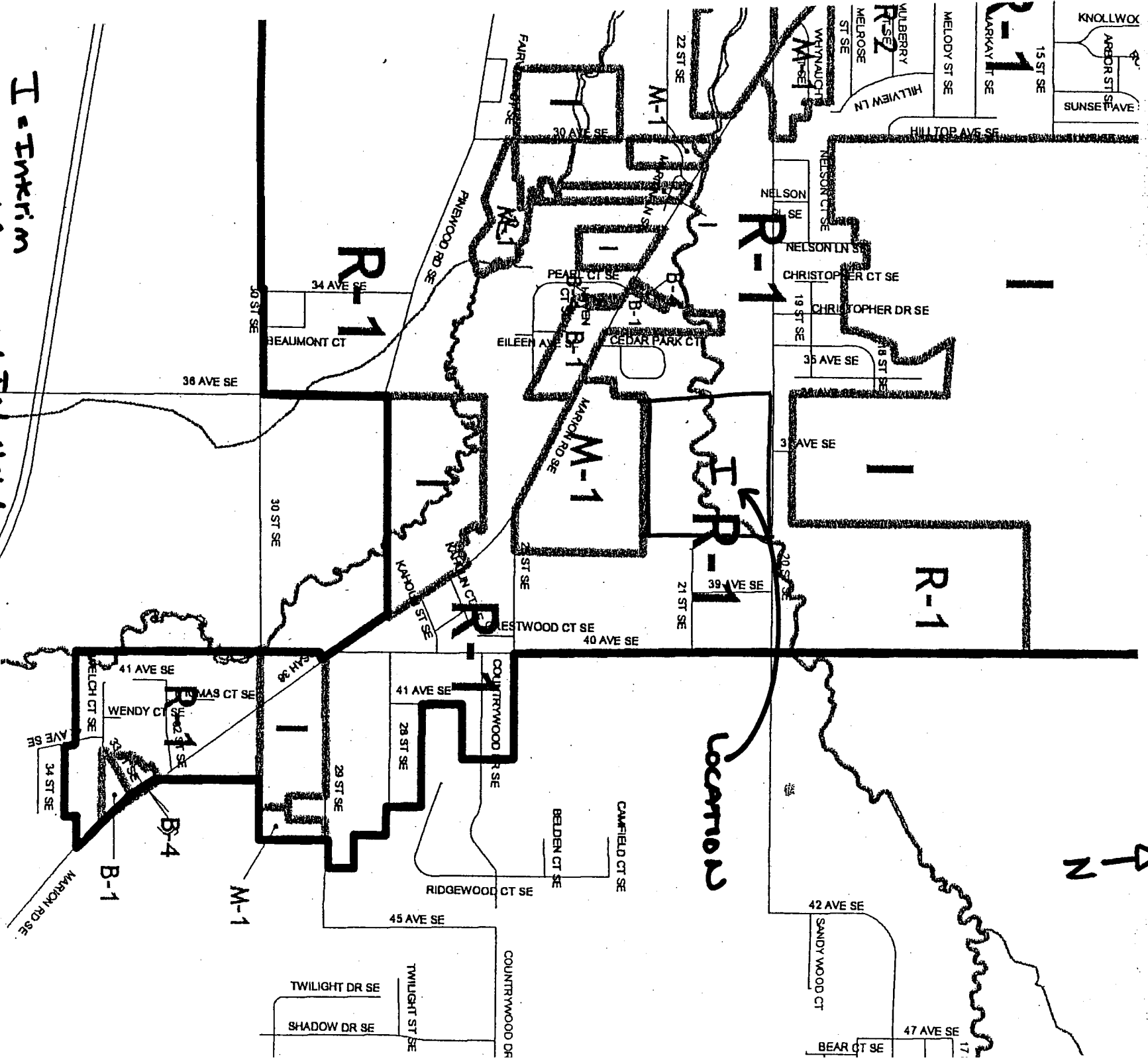
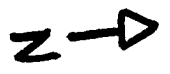
Motion By:

Seconded By:

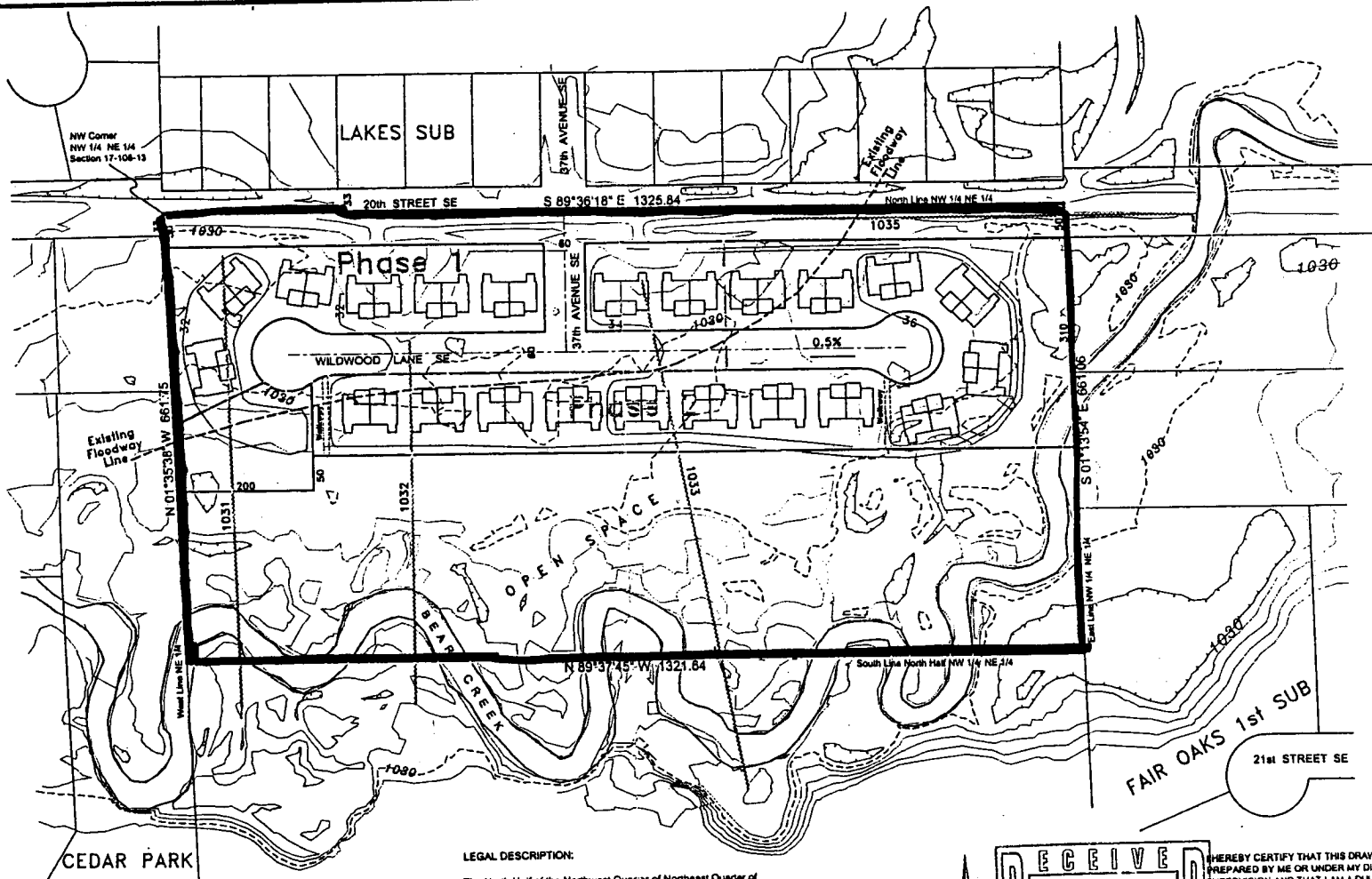
Action:

200

# Area Zoning Map



I = Interim  
M-1 = Mixed Commercial-Industrial



- LEGEND**
- 1030 --- EXISTING 10 FOOT CONTOUR
  - 1032 --- EXISTING 2 FOOT CONTOUR
  - 1033 --- PROPOSED 2 FOOT CONTOUR
  - 1033 --- 100 YEAR FLOOD ELEVATION
  - --- DENOTES PROPOSED PHASES
  - --- DENOTES EXISTING FLOODWAY LINE

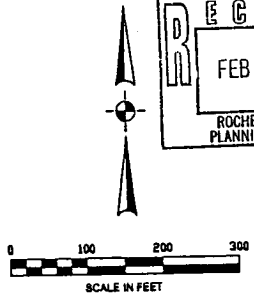
**LEGAL DESCRIPTION:**

The North Half of the Northwest Quarter of Northeast Quarter of Section 17, Township 106, Range 13, Olmsted County, Minnesota; subject to right of way for 30th Street Southeast over the northerly 33.00 feet thereof; containing 20.09 acres, more or less, including said right of way and 13.08 acres, more or less, excluding said right of way.

**Owners:** Dallas M. Backhus & Donna RaeMann  
2710 Melody Street  
Rochester, MN 55904  
273-1073

**Proposed Zoning:** R-1x Mixed Single Family Extra District

**NOTE:** The new bridge to be constructed over 20th Street will change the location of the Floodway Line. Phase 2 will require the new bridge and channelization grading.



**RECEIVED**  
FEB 10 2003  
ROCHESTER OLMDST  
PLANNING DEPARTMENT

I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

No. 15228  
Gedric Schurz

**WILDWOOD MEADOW**  
**Zone Change & General Development Plan**

JANUARY 30, 2003      JOB NO: 11979-03

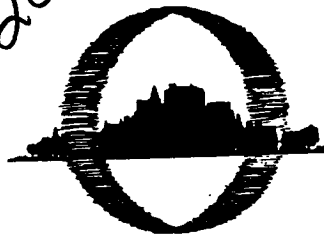
**LAND CONSULTANTS**  
OF SOUTHERN MINNESOTA, INC.  
1418 First Avenue N.E.  
Rochester, Minnesota 55906  
(807) 255-8838

BOUNDARY SURVEYS  
LAND SUBDIVISION  
DEVELOPMENT PLANNING

**ZONE CHANGE**

201

262



# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



**TO:** City Planning and Zoning Commission

**FROM:** Mitzi A. Baker, Senior Planner

**DATE:** March 6, 2003

**RE:** Zoning District Amendment #03-06 by Dallas Backhaus requesting to amend the zoning district for approximately 20.09 acres from the R-1 (Mixed Single Family) district, to the R-1X (Mixed Single Family Extra) district. The property is located along the south side of 20<sup>th</sup> St. SE, east of Marion Road and south of 20<sup>th</sup> St./37<sup>th</sup> Ave. SE intersection. A General Development Plan is being considered concurrent with this application.

**Planning Department Review:**

**Petitioner:**

Dallas Backhaus  
2710 melody Street SE  
Rochester, MN 55904

**Consultant:**

Land Consultants  
1418 First Ave. NE  
Rochester, MN 55906

**Location of Property:**

The property is located south of 20<sup>th</sup> St. SE, northeast of Marion Road and north of Bear Creek.

**Requested Action:**

The applicant is proposing to zone approximately 20.09 acres to the R-1X (Mixed Single Family Extra) district in the City. The property is currently zoned I-Interim on the Rochester Zoning Map.

**Existing Land Use:**

The property is currently undeveloped.

**Proposed Land Use:**

The Rochester Urban Service Area Land Use Plan designates this area as "Flood Prone", with lands outside the flood prone designation to the north, west and east designated for "low density residential" types of uses, and land to the south and outside of the flood prone designation designated for "industrial" types of uses.

A General Development Plan is being considered concurrent with this application.



263

**Adjacent Land Use and Zoning:**

North: Land to the north is platted single family lots, zoned R-1 on the City of Rochester zoning map.

South: Property to the south of Bear Creek is developed with industrial uses in the M-1 (Mixed Commercial-Industrial) district.

West: Single family homes, zoned R-1.

East: To the east is Bear Creek. East of the Creek are single family homes on larger lots.

Note: Adjacent properties are outside the City limits, but within the Marion Township orderly Annexation Agreement area, for which City land use and zoning controls have been extended.

**Transportation Access:**

Access to this property would be from 20<sup>th</sup> Street SE, south of the existing intersection of 20<sup>th</sup> St. and 37<sup>th</sup> Ave. SE. Public roads are proposed to serve the development. Additional right-of-way will need to be dedicated for 20<sup>th</sup> Street SE. Access control will need to be dedicated for all frontage on 20<sup>th</sup> Street, except for the public road opening.

**Wetlands:**

Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information to the Planning Department.

Floodplain and Shoreland regulations will apply to this property.

**Neighborhood Meeting:**

A neighborhood meeting was held on February 26, 2003. A summary of the meeting is attached.

**Report Attachments:**

1. Area Zoning Map
2. Referral Comments
3. Neighborhood Meeting Summary

**Analysis for Zoning District Amendment:**

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:

- a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
- b) The area was originally zoned erroneously due to a technical or administrative error;
- c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
- d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

**Proposed R-1X:** The Rochester Urban Service Area Land Use Plan designates this drainageway as "Flood Prone", with lands outside the flood prone designation to the north, west and east designated for "low density residential" types of uses, and land to the south and outside of the flood prone designation designated for "industrial" types of uses. Upon extension of City of Rochester land use and zoning controls to this area and zoning this property on the City of Rochester Zoning Map, the property was placed in the I-Interim zoning district. The current I-Interim district is not intended to be a permanent zoning district.

*It is in the public interest to re-zone the property to encourage development of the property. Sanitary sewer and water service has been installed in 20<sup>th</sup> St. SE adjacent to this property. A portion of this property could currently be filled and developed (subject to conditional use permit approval) to facilitate some residential development. If the applicant is successful in amending the FIRM maps in the future, to shift the Floodway boundary to the south, additional land will be available for development. Low density residential development in the R-1X district can be compatible on this property and in this area, subject to limitations of Floodplain and Shoreland Ordinances.*

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
  - a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

**Proposed R-1X:** Much of this property is encompassed by the Floodway for Bear Creek. The remainder of the property is within the 100-year Flood Prone district. Placement of fill on this property will require a conditional use permit. In addition, the applicant is proposing to amend the Floodway boundary in the future. This will need to be done in coordination with the Planning Department, County Public Works, MNDNR and FEMA.

This property does have development limitations due to the current Floodway and 100-Year Floodplain designations. The northwest ¼ of the property is outside of the existing Floodway, but within the 100-Year Floodplain. A Conditional Use Permit will be required for filling and developing the property. If the applicant is successful in amending the FIRM maps through FEMA in the future, additional portions of this property may be available for development. Low density

265

***residential development in the R-1X district can be compatible on this property and in this area, subject to limitations of Floodplain and Shoreland Ordinances.***

- b) *the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).*

**Proposed R-1X: *The amendment would not be considered spot zoning.***

**Staff Recommendation:**

Based on the findings above, staff recommends approval to zone approximately 20.09 acres from R-1 (Mixed Single Family) to R-1X (Mixed Single Family Extra) on the City of Rochester zoning map.

264

ROCHESTER-OLMSTED PLANNING DEPARTMENT  
2122 CAMPUS DRIVE SE - SUITE 100  
ROCHESTER, MN 55904  
PHONE (507) 285-8232  
FAX (507) 287-2275

Date: February 11, 2003  
To: Agencies Indicated Below  
From: Jennifer Garness, Planning Department  
Subject: Zoning District Amendment #03-06 by Dallas Backhaus requesting to amend the zoning district for approximately 20.09 acres from the R-1 (Mixed Single Family) district, to the R-1X (Mixed Single Family Extra) district. The property is located along the south side of 20th St. SE, east of Marion Road and south of 20th St./37th Ave. SE intersection. A General Development Plan is being considered concurrent with this application.

This application is scheduled for consideration by the City Planning and Zoning Commission on March 12, 2003, in the Council/Board Chambers of the Government Center, 151 4<sup>th</sup> Street SE. In order for the Planning Department to prepare a thorough review of this application, we would appreciate receiving your comments by **February 28, 2003**. You may also appear at the meeting if you so desire. Your cooperation and assistance is greatly appreciated. *If you have comments, in addition to forwarding them to the Planning Department, please send a copy to:*

Dallas Mackhaus  
2710 Melody Street SE  
Rochester MN 55904  
(507) 273-1073

Land Consultants of SE Minnesota, Inc.  
Attn: Cedric Schutz  
1418 First Avenue NE  
Rochester MN 55906  
(507) 288-8855

BARR Engineering Company  
4700 West 77<sup>th</sup> Street  
Minneapolis MN 55435-4803  
(952) 832-2600

City Agencies

1. Public Works  
Richard Freese
2. Fire Department  
Vance Swisher
3. Crime Prevention  
Darrel Hildebrant, Gov. Center
4. RPU Operations Division  
Mike Engle
5. RPU Water Division  
Donn Richardson
6. Park & Recreation  
Denny Stotz
7. Building Safety  
Ron Boose
8. City Attorney  
Dave Goslee
9. Downtown Dev. Dist.  
Doug Knott
10. City Administration  
Terry Spaeth
11. Transportation Planner  
Charlie Reiter
12. John Harford, Planning Dept.

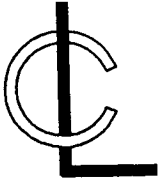
County Agencies

13. Health Department  
Rich Peter
14. Public Works
15. GIS Division  
Randy Growden
16. Environmental Resource Services

Other Agencies

17. School Board  
Jeff Kappers
18. Aquila  
Neal Clausen
19. Aquila  
Rory Lenton
20. Qwest  
Julie Schletty
21. Charter Communications
22. MN DOT  
Dale Maul
23. Post Office  
Supervisor
24. MN DNR  
Bob Bezek
25. SWCD
26. Peoples Coop  
Rick Wellik
27. Peoples Coop  
Sandy Sturgis
28. CUDE, Design Review Committee  
Christine Schultze
29. Susan Waughtal Neighborhood  
Organizer
30. Commissioner of DNR

*This property is covered by Stouland  
and flood plain rules in the zoning  
ordinance.*



# LAND CONSULTANTS

OF SOUTHERN MINNESOTA, INC.

1418 First Avenue N.E.  
Rochester, Minnesota 55906  
507-288-8855 / Fax 288-8815

Jeane C. Gauvin, LS  
Cedric Schutz, LS

261

## Memo

**To:** Jennifer Garness **From:** Cedric Schutz  
**Fax:** **Pages:** 2 Including Sign In Sheet  
**Phone:** **Date:** February 27, 2003  
**Re:** Wildwood Meadows **cc:**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

A neighborhood meeting was held on Wednesday, February 26th, at Dallas Truck Center. The meeting started at 8:00 PM with 21 neighbors in attendance. Attached is a copy of the sign-in sheet. A handout was given showing the layout of roads with building locations and townhouse plans.

Dallas Backhaus and Cedric Schutz presented the proposed layout and time schedule. Neighborhood people asked and discussion covered the following:

- Annexation and zone change for property to be in City of Rochester.
- Floodplain and floodway on this project. Amount of fill required for flood protection.
- A substantial amount of time was spent on the new bridge over Bear Creek on 20th Street. Affects up and down stream and this project. Size, height, length of bridge. What channel change to be done by County.
- Amount of wetlands on property. More to be created with this project.
- Phase 1 in summer/fall of 2003 and Phase 2 after bridge.

Meeting concluded at 9:30. Good meeting with no one openly opposing the project, and appeared neighbors are OK with project as proposed.

208 PLEASE SIGN IN. THANK YOU

NAME	Address	Phone #
Dean - Mary (Admission)	3719 24th St SE	288-3550
Carroll & Elaine Roberts	3217-26th St SE	255-0440
Lucy & Ken Rittman	3225 24th St SE	282-9691
Norm Brinkard	3536 20th St SE	282-2132
Mr. Maine Dym Maine	3651 20th St SE	282-6825
Denny Kitzgibler	1941 Christopher Dr. SE	281-1810
Prof. Schlenker	1942 Christopher Ct. SE	
Tom Burns	1535 Charlotte Ct. SE	
Matthew Jackson	1907 36 Ave SE	280-0890
Cheryl McCullough	2075 39th Ave SE	280-7649
WEICHA	3703 24th St SE	
Chris Wall	3536 24th St SE	282-2132
Kell Hamano	1946 35th Ave S.E.	282-2702

269-  
THOMPSON TITLE & ESCRO  
THOMPSON LAW OFFICE

2258 MARION ROAD SE  
ROCHESTER, MN 55904

JEFFREY EUGENE THOMPSON  
CERTIFIED REAL PROPERTY  
LAW SPECIALIST SINCE 1990

TELEPHONE: (507) 282-7307  
FAX: (507) 282-2722  
HOME: (507) 281-0999

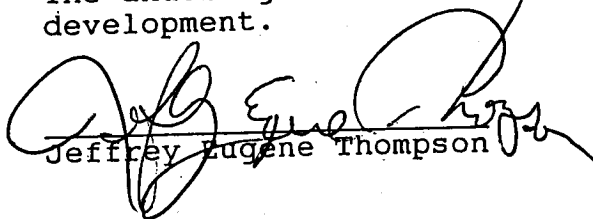
March 3, 2003

Rochester Olmsted Planning Department  
2122 Campus Drive S.E., Suite 100  
Rochester, MN 55904-4744

Re: Zoning District Amendment #03-06  
General Development Plan #203  
Dallas Backhaus

Dear Zoning Administrator:

The undersigned are in favor of the above referenced  
development.

  
Jeffrey Eugene Thompson

  
Grace R. Thompson

Ms. Rivas questioned if the proposed map needed to have additional changes with regard to changes made from the data the consultant used.

Ms. Rivas stated that, if the proposed map is not accurate, the Commission could make a recommendation that the map be amended prior to appearance before the City Council instead of approving the request.

Mr. Harford responded that any changes that needed to be made to the map would be made prior to going to the City Council. He identified the two areas that needed attention prior to submitting the application to the City Council, one being the Hexum property east of US 63 and south of 40<sup>th</sup> St., and the Floodway designation south of 48<sup>th</sup> St. SW.

A representative of MnDOT, Mr. Jai Kalsy (2900 48<sup>th</sup> Street NW, Rochester MN) addressed the Commission. He stated that, although the applicant is MnDOT, the project is a joint cooperative effort between the State, City, and County.

Ms. Baker clarified that the Commission is being asked to support the concept of changing the maps to reflect the proposed project. The City Council would not be asked to take action to adopt a formal Ordinance changing the maps until after the construction of the project and after the as-builts are approved by FEMA and FEMA approves changing the maps. She explained that the project is being reviewed by the Commission at this time so that MnDOT would know if there is a general support from the community.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger expressed concern with where the lines should be drawn and what should actually be approved.

Ms. Rivas moved to recommend approval of Zoning District Amendment #03-05 by the Minnesota Department of Transportation with the recommendation that special attention be made to two areas one the Hexum property and the other the Floodway of Willow Creek south of 48<sup>th</sup> St., SW prior to Council approval. Ms. Petersson seconded the motion. The motion carried 7-1, with Mr. Haeussinger voting nay.

\* Zoning District Amendment #03-06 by Dallas Backhaus requesting to amend the zoning district for approximately 20.09 acres from the R-1 (Mixed Single Family) district, to the R-1X (Mixed Single Family Extra) district. The property is located along the south side of 20<sup>th</sup> St. SE, east of Marion Road and south of 20<sup>th</sup> St./37<sup>th</sup> Ave. SE intersection. A General Development Plan is being considered concurrent with this application.

AND

General Development Plan #203 by Dallas Backhaus to be known as Wildwood Meadow. The applicant is proposing to develop property located east of Marion Road and south of the intersection of 20<sup>th</sup> Street and 37<sup>th</sup> Ave SE with single family attached housing, served with public roadways. The property includes approximately 20 acres of land, over half of which is currently designated Floodway. A zoning district amendment is being considered concurrent with this application.

Ms. Mitzi A. Baker presented the staff reports, dated March 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

271-

Ms. Baker clarified that the property is currently zoned Interim and the zoning district change would be to the R-1x to allow for single-family attached townhome style development to occur.

Ms. Baker explained that the property was not actually in the City limits. However, the property is within the Marion Township Orderly Annexation Agreement. She stated that the City has been extending sewer and water facilities to that area.

Ms. Baker noted that, in both the zone change and general development plan staff reports, it is indicated that there are limitations to development based on current flood plain mapping. She explained that the applicant is currently looking at amending the floodway line.

Discussion ensued regarding overlay zoning districts.

Ms. Baker explained that, prior to scheduling the general development plan before the City Council, staff needs the applicant to submit revised plans with regard to the required modifications to circulate for comments to other agencies.

Mr. Haeussinger questioned if the requests weren't premature, since the property is not located within the City limits.

Ms. Baker explained that the property is in the Marion Township Orderly Annexation Agreement. She explained how the City has land use controls within that area.

Mr. Burke asked why the property hadn't been annexed yet.

Ms. Baker responded that the property would be annexed into the City, prior to any development occurring. She stated that the property is not currently contiguous to the City limits. However, because of the orderly annexation agreement, it doesn't preclude them from being annexed.

Mr. Staver questioned why the applicant did not submit a request for annexation along with the zoning district amendment and general development plan.

Ms. Baker responded that it was not uncommon to review general development plans prior to the property being annexed.

Ms. Petersson agreed that the Commission had reviewed general development plans prior to being annexed in the past.

Ms. Baker stated that the property was also located in the shoreland district. Therefore, they would be subject to shoreland provisions.

Mr. Cedric Schutz, of Land Consultants (1418 First Avenue NE, Rochester MN), addressed the Commission. He stated that revised plans would be submitted to the Planning Department prior to the requests being scheduled for the City Council.

Ms. Wiesner asked why they did not have an annexation request before them.

Mr. Schutz responded that they are not adjacent to property within the City limits at this time.

Ms. Baker explained that the timing of the annexation was overlooked when the general development plan and zoning district amendment applications were submitted. However, it should not hold up the proposed requests.

Discussion ensued regarding what would occur during Phase I of the development.

Ms. Rivas asked if Mr. Schutz was confident that the floodway boundaries would be changed.

Mr. Schutz responded that they are working with Barr Engineering. He indicated that it depended on the 20<sup>th</sup> Street bridge.

Ms. Baker stated that some of the public agencies met to discuss the potential for changing the floodway boundaries. She indicated that there might be some basis for amending the maps. However, the City is not in a position to state that they support it. There is some additional information they need to receive before they support an amendment to area in future.

Ms. Rivas stated that, if the floodway is not changed, they could have smaller road widths and be private.

Mr. Schutz stated that the owner wants wider roadways and parking on both sides.

Discussion ensued regarding other possible designs of the development, if the floodway lines were not changed.

Discussion ensued regarding parkland requirements.

Mr. Larry Peterson, of 3725 20<sup>th</sup> Street SE, Rochester MN, addressed the Commission. He indicated that he was across the highway from the proposed development. He expressed dissatisfaction that this meeting did not occur prior to the neighborhood meeting. He indicated that he was told at the neighborhood meeting that the property would not be annexed for another three years. He asked what turning lanes were proposed.

Ms. Baker responded that, because 20<sup>th</sup> Street is a County Road and due to classification, they are looking at improving the roadway over time. The right-turn lane into the development and possibly a bypass or left-turn lane from the westbound movement.

Mr. Peterson asked if 20<sup>th</sup> Street would be widened.

Ms. Baker responded that they County would probably look into widening it at some point.

Mr. Peterson asked if it would occur before the proposed development occurs.

Ms. Baker responded that she was not sure of the timing.

Mr. Peterson asked what is meant when stating "access control will need to be dedicated for all frontage along 20<sup>th</sup> Street".

Ms. Baker stated that, when property is subdivided, the formal documents identifying the subdivision of land would identify along the entire frontage that there can be no direct access from those properties to 20<sup>th</sup> Street.

273

Mr. Peterson asked if it would mean that he couldn't develop his lots and have direct access to 20<sup>th</sup> Street.

Ms. Baker responded that the condition would not impact his property on the north side. It is only particular to the proposed site.

Mr. Peterson expressed concern with the lack of information with regard to the proposed holding pond. He questioned if the speed limit would be reduced. He also asked what would happen with flood storage.

Ms. Baker explained that what is before the Commission is a concept plan on how they want to develop the site. If they move forward with developing and propose to fill it, there will be very specific site plans and grading plans that would need to be analyzed. She stated that the Ordinance regulates their limitations for affecting other properties.

Mr. Quinn stated that the staff report explains other process the applicant must go through.

Mr. Peterson asked how soon the City would be bringing water and sewer past his property and how soon the bridge would be put in. He expressed concern with the roadway being torn up several different times.

Ms. Baker responded that he would need to speak to Public Works with regard to the timing of the services. She indicated that she knew that the City Public Works is working with County Public Works regarding coordination of events.

With no one else wishing to be heard, Ms. Wiesner closed the public hearings.

**Ms. Petersson moved to recommend approval of Zoning District Amendment #03-06 by Dallas Backhaus with the staff-recommended findings. Mr. Quinn seconded the motion.**

Ms. Wiesner stated that the Commission may have heard previous requests without the annexation, but does not approve of such a process.

Mr. Staver agreed with Ms. Wiesner.

**The motion carried 5-3, with Ms. Wiesner, Mr. Haeussinger, and Mr. Staver voting nay.**

**Ms. Petersson moved to recommend approval of General Development Plan #203 by Dallas Backhaus to be known as Wildwood Meadow with the staff-recommended findings and conditions. Mr. Quinn seconded the motion.**

Ms. Rivas stated that she was uncomfortable with the plan going forward.

Ms. Petersson stated that she was uncomfortable with the floodway, but the staff recommendations cover it.

Discussion ensued regarding what would occur if the design were changed.

**The motion to recommend approval failed 4-4, with Mr. Haeussinger, Ms. Rivas, Ms. Wiesner, and Mr. Staver voting nay. The request moves forward without**

**recommendation to the City Council.**

Land Use Plan Amendment petition #03-03 AND Zoning District Amendment #03-07 by Jerry Rishavy to amend the Land Use Plan designation from "medium density residential" to "commercial" on approximately .53 acres of land located along the east side of the East Frontage Road of Highway 52, north of 26<sup>th</sup> Street NW and south of Park Place Motors. The property is proposed to be zoned B-4 (General Commercial) to allow for uses permitted in the B-4 zoning district. The westerly portion of the lot was rezoned to the B-4 district in 2002.

**AND**

General Development Plan #204 by Jerry Rishavy. The applicant is proposing to develop the east portion of a parcel of land located north of 26<sup>th</sup> Street NW, along the east frontage road of T.H.52 with commercial uses permitted in the B-4 (General Commercial) zoning district. The westerly portion was rezoned to the B-4 district in 2002.

Ms. Mitzi A. Baker presented the staff reports, dated March 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker explained the history of the property with previous application requests.

Mr. Staver asked if the use of the existing house is an approved use in the current zoning district.

Ms. Baker responded yes. She explained that an office in the R-3 zoning district is permitted.

Mr. Staver asked why the applicant was requesting to change the zoning district if the use is permitted.

Ms. Baker deferred the question to the applicant.

Discussion ensued regarding zoning district uses and access restrictions to certain roads.

Mr. Josh Johnson of McGhie & Betts (1648 Third Avenue SE, Rochester MN), addressed the Commission. He showed a current zoning map of the properties in the area. One year ago, the previous property owner applied for and received approval of a land use plan, zone change, and general development on the westerly portion of the site. Since then, Mr. Rishavy has purchased the land and gone through a site plan approval process and established a car sales lot on the property. The existing house is still located in the R-3 zoning district. Mr. Rishavy has reconfigured a room to meet ADA standards for the use of an office for the car sales lot. At this time, the existing garage is located in the R-3 zoning district. Therefore, he is unable to use it for the car sales lot. The proposed requests are similar to those granted to Park Place Motors and others along the frontage road. The request is appropriate for Highway Commercial due to flat terrain, access to the frontage road, and there is a concentration of similar uses. The lot shares approximately 70 feet of lot line with the rear yard neighbor. He indicated that site appearances standards would need to be followed when the property is further developed. This includes a bufferyard.

Mr. Johnson stated the applicant does not propose to expand his sales lot at this time. He would just like to be able to use his garage for business. He indicated that what he could build on the site would be more intensive than what is being proposed.

# REQUEST FOR COUNCIL ACTION

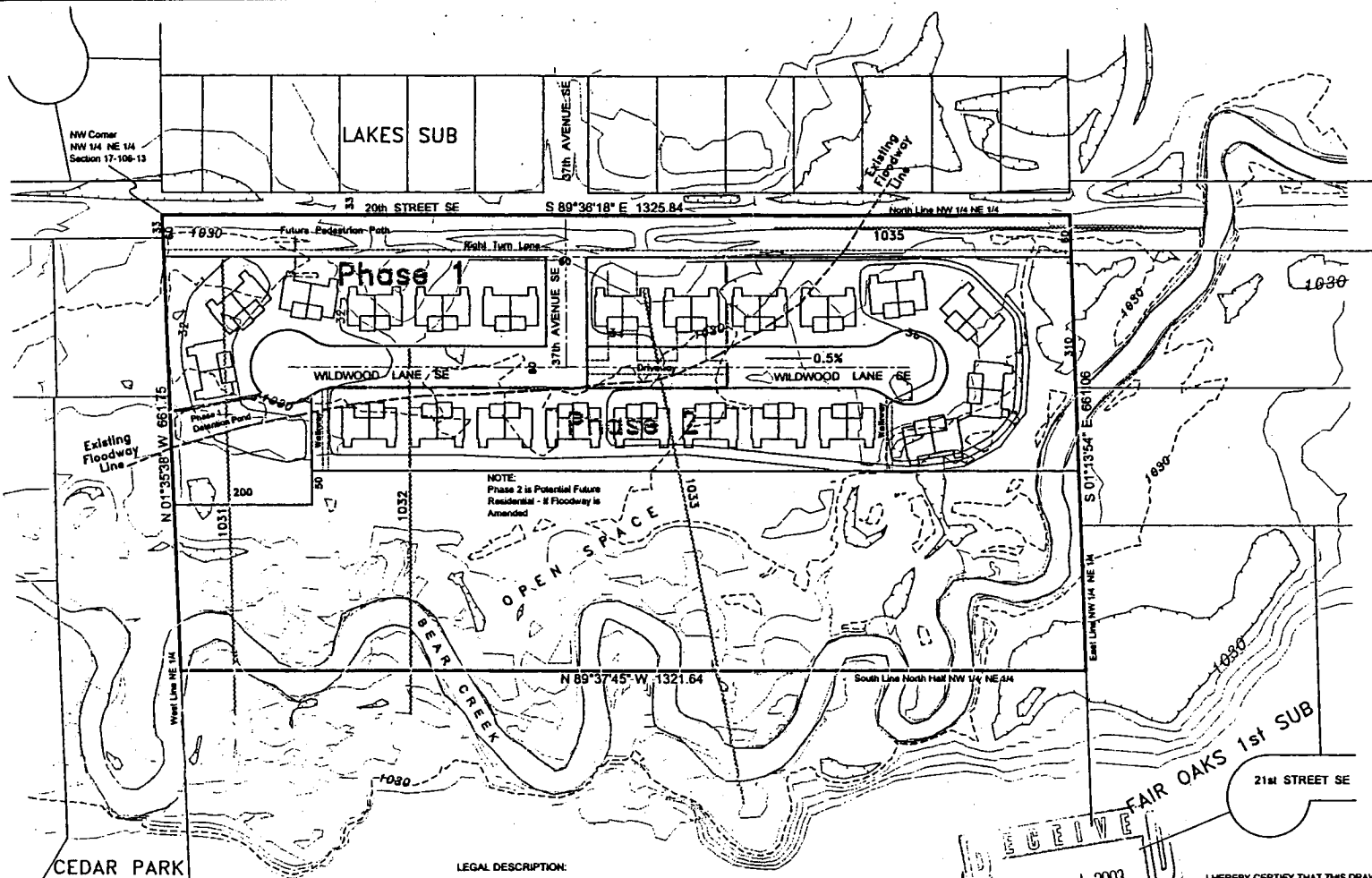
MEETING

DATE: 4-7-03

295

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-12
ITEM DESCRIPTION: General Development Plan #203 by Dallas Backhaus to be known as Wildwood Meadow. The applicant is proposing to develop property located east of Marion Road and south of the intersection of 20 <sup>th</sup> Street and 37 <sup>th</sup> Ave SE with single family attached housing, served with public roadways. The property includes approximately 20 acres of land, over half of which is currently designated Floodway. A zoning district amendment is being considered concurrent with this application.		PREPARED BY: Mitzi A. Baker, Senior Planner
<p>April 2, 2003</p> <p><b>NOTE:</b> The applicant submitted a Revised GDP on April 1, 2003 addressing the following revisions, as requested by Staff:</p> <ul style="list-style-type: none"><li>a) Identification of 60 feet of right-of-way for CR 143/20<sup>th</sup> St. SE;</li><li>b) Alternate road/access design if the Floodway is not amended;</li><li>c) Identification of future turn lanes from CR 143/20<sup>th</sup> St. SE;</li><li>d) Identification of future pedestrian system along CR 143/20<sup>th</sup> St. SE</li><li>e) Identification of on-site storm water management, located outside the existing Floodway</li><li>f) Label Phase II as "Potential Future Residential – If Floodway is Amended"</li></ul> <p>The REVISED version is attached for your consideration.</p> <p>If the Council decides to approve this GDP, staff recommended conditions/modifications listed in the Staff Report should be considered, as well as the following additional condition (as condition #9):</p> <p>a) When Platted, the one of the roadway names shall be changed as specified in the April 2, 2003 memorandum from the Planning Department Addressing Staff.</p> <p><b>City Planning and Zoning Commission Recommendation:</b> The Planning and Zoning Commission held a public hearing on this item on March 12, 2003.</p> <p>Ms. Petersson moved to recommend approval of GDP #203 by Dallas Backhaus to be known as Wildwood Meadow with the staff recommended findings and conditions. Mr. Quinn seconded the motion. <b>The motion to recommend approval failed 4-4</b>, with Mr. Hauessinger, Ms. Rivas, Ms. Wiesner, and Mr. Staver voting nay. <b>This item was moved forward to Council without a recommendation.</b></p> <p>Much of this property is currently in the Floodway District. The applicant is proposing to develop the northern ½ of the site, of which approximately ½ of that is currently in the Floodway. The GDP assumes a future amendment to the FIRM Maps and local Floodway Overlay Zoning District to modify the Floodway boundary and move it closer to Bear Creek. At this time, no formal applications have been submitted to FEMA, the DNR, City or County that Planning is aware of. Additionally, the entire property is within the Shoreland District.</p> <p><b>Council Action Needed:</b></p> <p>1. If the Council wishes to approve the General Development Plan it should instruct the City Attorney to prepare a resolution, with findings, for Council approval.</p> <p>COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____</p>		

876



- LEGEND**
- 1030 --- EXISTING 10 FOOT CONTOUR
  - 1032 --- EXISTING 2 FOOT CONTOUR
  - 1033 --- PROPOSED 2 FOOT CONTOUR
  - 1033 --- 100 YEAR FLOOD ELEVATION
  - --- DENOTES PROPOSED PHASES
  - --- DENOTES EXISTING FLOODWAY LINE

**LEGAL DESCRIPTION:**

The North Half of the Northwest Quarter of Northeast Quarter of Section 17, Township 106, Range 13, Olmsted County, Minnesota, subject to right of way for 20th Street Southeast over the northerly 33.00 feet thereof, containing 20.09 acres, more or less, including said right of way and 19.08 acres, more or less, excluding said right of way.

**Owners:** Dallas M. Backhus & Donna RaeMann  
2710 Melody Street  
Rochester, MN 55904  
273-1073

**Proposed Zoning:** R-1x Mixed Single Family Extra District

**NOTE:** The new bridge to be constructed over 20th Street will change the location of the Floodway Line. Phase 2 will require the new bridge and channelization grading.




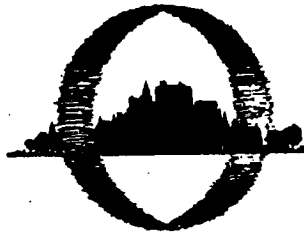
RECEIVED  
APR - 1 2003  
ROCHESTER OLTMSTED  
PLANNING DEPARTMENT  
REVISED

I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Cedric Schurz No. 15220

REVISED 03-31-03 Detention, Pedestrian Path, Turn Lane, Driveway

<b>WILDWOOD MEADOW</b>	
<b>Zone Change &amp; General Development Plan</b>	
JANUARY 30, 2003	JOB NO: 11979-03
 <b>LAND CONSULTANTS</b> OF SOUTHERN MINNESOTA, INC. 1415 First Avenue N.E. Rochester, Minnesota 55906 (507) 296-8888	BOUNDARY SURVEYS • LAND SUBDIVISION • DEVELOPMENT PLANNING •



COUNTY OF  
*Olmsted*



Rochester-Olmsted Planning Department  
GIS/Addressing Division  
2122 Campus Drive SE  
Rochester, MN 55904-4744  
Phone: (507) 285-8232  
Fax: (507) 287-2275

277

## GENERAL DEVELOPMENT PLAN

### REFERRAL RESPONSE

**DATE:** April 2, 2003

**TO:** Mitzi Baker

**FROM:** Randy Growden  
GIS/Addressing Staff  
Rochester-Olmsted County  
Planning Department

**CC:** Cedric Schutz (Land Consultants), Jennifer Garness

**RE:** WILDWOOD MEADOWS

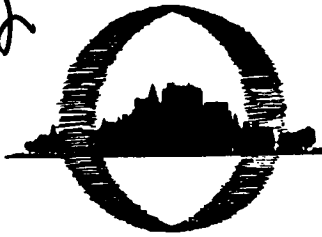
**GENERAL DEVELOPMENT PLAN #203 REVISED**

A review of the GDP has turned up the following ROADWAY or ADDRESS related issues:

1. Both cul-de-sacs are now designated with the same roadway name .

**RECOMMENDATION:** Change the name on one of the cul-de-sacs, but keep the roadway type of LANE and directional of SE.

278



# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



**TO:** City Planning and Zoning Commission

**FROM:** Mitzi A. Baker, Senior Planner

**DATE:** March 6, 2003

**RE:** General Development Plan #203 by Dallas Backhaus to be known as Wildwood Meadow. The applicant is proposing to develop property located east of Marion Road and south of the intersection of 20<sup>th</sup> Street and 37<sup>th</sup> Ave SE with single family attached housing, served with public roadways. The property includes approximately 20 acres of land, over half of which is currently designated Floodway. A zoning district amendment is being considered concurrent with this application.

## Planning Department Review:

**Petitioner:**

Dallas Backhaus  
2710 melody Street SE  
Rochester, MN 55904

**Consultant:**

Land Consultants  
1418 First Ave. NE  
Rochester, MN 55906

**Location of Property:**

The property is located south of 20<sup>th</sup> St. SE, northeast of Marion Road and north of Bear Creek.

**Proposed Use:**

The property includes approximately 20 acres of land. The applicant is proposing to re-zone the property to the R-1X (Mixed Single Family Extra) district to permit the development of townhomes. Public roadways are proposed to serve the development. The south ½ of the site is proposed to remain undeveloped. Much of the property is currently in the Floodway district.

**Land Use Plan:**

The Rochester Urban Service Area Land Use Plan designates this drainageway as "Flood Prone", with lands outside the flood prone designation to the north, west and east designated for "low density residential" types of uses, and land to the south and outside of the flood prone designation designated for "industrial" types of uses.



279 -

**Zoning:**

The property is currently zoned I - Interim, on the City of Rochester Zoning Map. Though this property is not currently in the City limits, it is within the Orderly Annexation agreement area with Marion Township for which the City of Rochester extended land use and zoning controls. The property will need to be annexed prior to development.

**Streets:**

Public roads are proposed to serve the development. Additional right-of-way will need to be dedicated for 20<sup>th</sup> Street SE. Access control will need to be dedicated for all frontage on 20<sup>th</sup> Street, except for the public road opening.

**Sidewalks:**

Pedestrian facilities will be required along both sides of all new public roadways, and also along 20<sup>th</sup> St. SE.

**Drainage:**

Much of this property is encompassed by the Floodway for Bear Creek. The remainder of the property is within the 100-year Flood Prone district. Placement of fill on this property will require a conditional use permit. In addition, the applicant is proposing to amend the Floodway boundary in the future. This will need to be done in coordination with the Planning Department, County Public Works, MNDNR and FEMA.

On-site stormwater management is not proposed on this GDP. At a minimum, on-site water quality/sedimentation ponding will be required and a Storm Water Management fee will be applicable for the benefit of participation in the City's Storm Water Management Plan if on-site detention is not provided

Detailed grading and drainage plans will also be required when the property is platted or developed.

**Wetlands:**

Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information to the Planning Department.

**Referral Comments:**

1. Rochester Public Works
2. Rochester Park & Recreation
3. Wetlands LGU
4. Olmsted County Public Works
5. RPU Water
6. Rochester Building Safety
7. Rochester Fire Department
8. Planning Department Addressing Staff

**Report Attachments:**

1. Copy of General Development Plan
2. Referral Comments
3. Proposed General Development Plan Narrative

### **Staff Suggested Findings and Recommendation:**

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became effective May 15, 1999.

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

*The Rochester Urban Service Area Land Use Plan designates this drainageway as "Flood Prone", with lands outside the flood prone designation to the north, west and east designated for "low density residential" types of uses, and land to the south and outside of the flood prone designation designated for "industrial" types of uses.*

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

*The property includes approximately 19 acres of land. The applicant is proposing to re-zone the property to the R-1X (Mixed Single Family Extra) district to permit the development of townhomes. Public roadways are proposed to serve the development. The south ½ of the site is proposed to remain undeveloped. Much of the property is currently in the Floodway district.*

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

*This is for the development of single family attached dwellings or townhomes. The introduction of this type of housing in this area will help diversify market choices in far southeast Rochester.*

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

*Sanitary sewer and water have been installed in 20<sup>th</sup> St. SE, by the City of Rochester. Future replacement of the bridge over Bear Creek on 20<sup>th</sup> Street, just east of this property is being planned by the County. Bridge replacement could occur this year (2003).*

*At the time of platting or development, additional right-of-way will need to be dedicated for 20<sup>th</sup> Street. Turn lanes will be required from CR 143/20<sup>th</sup> St. SE. At the time of platting, access control will need to be dedicated along 20<sup>th</sup> St. SE/CR 143.*

281

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

*Access to this site is proposed from 20<sup>th</sup> Street SE/CR 143. At the time of platting or development, additional right-of-way will need to be dedicated for 20<sup>th</sup> Street. Turn lanes will be required from CR 143/20<sup>th</sup> St. SE. At the time of platting, access control will need to be dedicated along 20<sup>th</sup> St. SE/CR 143.*

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

*Sanitary sewer and water facilities have been installed in 20<sup>th</sup> St. SE across most of the frontage of this property. Utilities can be extended into the property to serve this development.*

*The GDP does not show on-site storm water detention for this development. Direct discharge of untreated storm water to Bear Creek is not permitted, and at the minimum, on-site storm water quality/sedimentation ponding will be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's Storm Water Management Plan if on-site detention is not provided.*

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

*Parkland dedication requirements for this development will need to be met via cash in lieu of land.*

Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

*On-site stormwater management is not proposed on this GDP. At a minimum, on-site water quality/sedimentation ponding will be required and a Storm Water Management fee will be applicable for the benefit of participation in the City's Storm Water Management Plan if on-site detention is not provided. The GDP will need to be modified to identify on-site treatment of storm water.*

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

*Much of this property is encompassed by the Floodway for Bear Creek. The remainder of the property is within the 100-year Flood Prone district. Placement of fill on this property will require a conditional use permit. In addition, the applicant is proposing to amend the Floodway boundary in the future. This will need to be done in coordination with the Planning Department, County Public Works, MNDNR and FEMA.*

*This property does have development limitations due to the current Floodway and 100-Year Floodplain designations. The northwest ¼ of the property is outside of the existing Floodway, but within the 100-Year Floodplain. A Conditional Use Permit will be required for filling and developing the property. If the applicant is successful in amending the FIRM maps through FEMA in the future, additional portions of this property may be available for development. So long as Floodplain and Shoreland regulations can be adhered to, the property would be suitable for development in the R-1X Zoning District.*

*The GDP should be revised to 1) address alternate development and road design if the Floodway is not amended, 2) identify on-site storm water management located outside the Floodway.*

### **Summary & Recommendation:**

***Prior to scheduling this item for consideration by the City Council, or prior to final action by the Council, the applicant shall file a modified GDP with the Planning Department that includes the following:***

- a) Identification of 60 feet of right-of-way for CR 143/20<sup>th</sup> St. SE;***
- b) Alternate road/access design if the Floodway is not amended;***
- c) Identification of future turn lanes from CR 143/20<sup>th</sup> St. SE;***
- d) Identification of future pedestrian system along CR 143/20<sup>th</sup> St. SE***
- e) Identification of on-site storm water management, located outside the existing Floodway***
- f) Label Phase II as "Potential Future Residential – If Floodway is Amended"***

***If the applicant agrees to provide the above prior to scheduling this item for Council consideration, staff would recommend that the Planning Commission take action to forward a recommendation on this item to the Council.***

283

**At this time, a petition to re-zone this property to the R-1X District is being considered. If the Zone Change is approved, staff would suggest approval of this GDP subject to the following conditions or modifications:**

- 1. Prior to the issuance of development permits or zoning certificates, the applicant shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties and contributions for public infrastructure.**
- 2. The GDP does not show any on-site storm water detention for this development. Direct discharge of untreated storm water to Bear Creek is not permitted, and at a minimum, on-site storm water quality/sedimentation ponding will be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP if on-site detention is not provided.**
- 3. Pedestrian facilities are required along the entire frontages of both sides of all new public roadways within this development. In addition, the Owner is obligated to provide a 10 wide bituminous pedestrian path along the entire frontage of the property abutting 20<sup>th</sup> St. SE.**
- 4. This property must be platted. At the time of platting: dedication of 60 feet of right-of-way will be required for 20<sup>th</sup> St. SE; dedication of controlled access will be required for the entire frontage of 20<sup>th</sup> Street SE, with the exception of the proposed local street access; ownership and maintenance of the proposed "open space" must be addressed; parkland dedication in the form of cash in lieu of land will be required.**
- 5. Approval of this GDP is contingent upon: 1) obtaining wetland related permits or a no-loss certificate; 2) successfully amending the floodplain boundaries through FEMA and the City of Rochester to facilitate the development proposed.**
- 6. At the time of development, no parking will be permitted along either side of 37<sup>th</sup> Ave. SE.**
- 7. This property shall be annexed to the City of Rochester, prior to development.**
- 8. This GDP does not constitute specific site plan approval or approval of dwelling placement. This property is subject to Shoreland and Floodplain regulations, in addition to standard zoning regulations of the Rochester Zoning Ordinance and Land Development Manual. It appears that several dwellings identified in the eastern portion of the Plan will not meet setback or development standards of the Shoreland District.**

**NOTES: Grading, vegetation removal, fill or other development activities will require specific review by the Planning Department for compliance with applicable regulations (i.e. Floodplain and Shoreland). Conditional Use Permits will be required for fill activities needed to facilitate development of this property.**

**A separate Site Development Review application will be reviewed by staff for specific site modifications/development.**

284

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 2/28/03

The Department of Public Works has reviewed the application for General Development Plan #203 for the proposed Wildwood Meadow development. The following are Public Works comments on this request:

1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
2. An alternative street design for 37<sup>th</sup> Ave SE should be required through the approval process for proposed Phase I. Said design should address modifications to 37<sup>th</sup> Ave SE / Wildwood Ln SE, that would be required if the Floodway Line is not modified to accommodate the proposed Phase II.
3. Grading & Drainage Plan approval is required prior to development.
4. The GDP Plan does not show any on-site storm water detention for this development. Direct discharge of untreated storm water to Bear Creek is not permitted, and at a minimum, on-site storm water quality/sedimentation ponding will be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP if on-site detention is not provided.
5. Pedestrian facilities are required along the entire frontages of both sides of the new public streets within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of the Property abutting 20<sup>th</sup> St SE.
6. Dedication of controlled access will be required through the platting process for the entire frontage of 20<sup>th</sup> ST SE, with the exception of the proposed local street access
7. Ownership & maintenance of the proposed "Open Space" needs to be addressed prior to final plat submittal.
8. Dedication of 60 feet of right-of-way is required for 20<sup>th</sup> St SE.
9. No Parking will be permitted along either side of 37<sup>th</sup> Ave SE.
10. The Owner shall address the loss of flood storage that would result from proposed filling in the Flood Plain.

# ROCHESTER

— Minnesota —

285

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- ❖ Water Availability Charge @ \$1790.25 per developable acre
- ❖ Estimated Sewer Availability Charge (SAC) @ \$1790.25 per developable acre + \$716.10 per acre for downstream component.
- ❖ Sanitary Sewer & Watermain Connection Charge @ \$79.17 per foot along the frontage of 20<sup>th</sup> St SE
- ❖ Substandard Street Reconstruction Charge @ \$33.45 per foot of frontage along 20<sup>th</sup> ST SE
- ❖ Storm Water Management – TBD, for any areas that are not served by on-site detention.
- ❖ First Seal Coat charge @ \$0.49 per sq.yd of public street surface.
- ❖ Street Signs as determined by the City Engineer.

282



PUBLIC WORKS DEPARTMENT  
2122 CAMPUS DR SE - SUITE 200  
ROCHESTER MN 55904-4744  
www.olmstedpublicworks.com  
507.285.8231

February 19, 2003

Jennifer Garness  
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the General Development Plan #203 and has the following comment:

- **Access control shall be shown along County Rd 143.**
- **Building setback is 95 feet from centerline or 45 feet from right-of-way line whichever is greater.**
- **An Olmsted County access permit is required for proposed access.**
- **Right turn lane will be required from County Rd 143.**

Sincerely,

Michael Sheehan  
County Engineer

MTS/ts



T:\PWDATA\ENGINDOC\PLANZONE.DOC

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

281



## ROCHESTER PARK AND RECREATION DEPARTMENT

February 18, 2003

TO: Jennifer Garness  
Planning

RE: Wildwood Meadow GDP # 203

The development will have a dedication requirement of  $\pm 1.0$  acre of land. The Park Department recommends that dedication be in the form of cash in lieu of land.

280

## WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: GDP #203 - Wildwood Meadow

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☒ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:



289-

February 20, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: General Development Plan #203 and Zoning District Amendment #03-06 by Dallas Backhaus to develop property into single-family attached housing and amend the zoning district on 20.09 acres of land from R-1 to R-1x to be known as Wildwood Meadow. The property is located along the south side of 20<sup>th</sup> St SE and east of Marion Rd. SE.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. This property is within the South East Intermediate Level Water System Area, which is available on the south side of 20<sup>th</sup> St. SE at 37<sup>th</sup> Ave. SE.
3. Static water pressures within this area will range from the mid to upper 80's PSI.
4. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention  
Gale Mount, Building & Safety  
Dallas Backhaus  
Cedric Schutz, Land Consultants of SE Minnesota, Inc.  
BARR Engineering Company

290

## Rochester Building Safety Department

# Memo

**To:** Jennifer Garness, Planning Department

**From:** Kenneth Heppelmann

**CC:** Dallas Mackhaus  
Land Consultants of SE MN, Inc.  
BARR Engineering Company  
Mark Sparks, Electrical Inspector  
Gary Schick, Plumbing Inspector

**Date:** February 24, 2003

**Re:** General Development plan #203 by Dallas Backhaus to be known as Wildwood Meadow.

---

The above referenced development appears to indicate new construction that is regulated under the Building Code and will require building permits. Complete plans and specifications are required to be submitted for a building permits prior to construction.

The proposed construction appears to consist of attached single-family dwellings (townhomes) on separate lots with property lines between the units. Please verify the following items:

- Separate utility services (i.e. sewer, water, gas, electric, etc.) are required to be provided to each dwelling unit. The utilities are not permitted to encroach onto or through the adjacent lots.
- The dwelling units are required to be separated with fire resistive rated wall assemblies in accordance with the 2000 IRC, Section 321.2.
- The fire resistive rating of exterior walls, and projections from such walls, with a fire separation distance of less than three feet is required to comply with IRC Section 302.1.

Please let me know if you have any questions or concerns.

Thank you



The hand to reach for...  
**DAVID A. KAPLER**  
Fire Chief

DATE: February 13, 2003

TO: Jennifer Garness, Planning

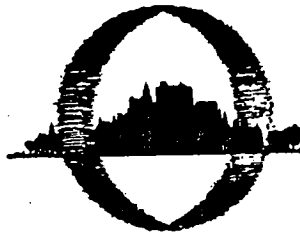
FROM: R. Vance Swisher – Fire Protection Specialist

SUBJ: General Development Plan #203 by Dallas Backhaus to be known as Wildwood Meadow.

With regard to the above noted project plan, the fire department has the following requirements:

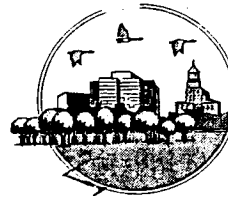
1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
  2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
    - Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac.
    - Streets less than 36 feet in width shall be posted "No Parking" along one side of the street.  
Streets less than 28 feet in width shall be posted "No Parking" along both sides of the street.
  3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
  4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division  
Dallas Mackhaus – 2710 Melody St SE – Rochester, MN 55904  
Land Consultants of SE Minnesota, Inc. – Attn: Cedric Schultz – Rochester, MN 55906  
BARR Engineering Company – 4700 Wet 77<sup>th</sup> St – Minneapolis, MN 55435-4803

292



COUNTY OF

*Olmsted*



Rochester-Olmsted Planning Department  
GIS/Addressing Division  
2122 Campus Drive SE  
Rochester, MN 55904-4744  
Phone: (507) 285-8232  
Fax: (507) 287-2275

## GENERAL DEVELOPMENT PLAN

### REFERRAL RESPONSE

**DATE:** February 18, 2003

**TO:** Jennifer Garness

**FROM:** Randy Growden  
GIS/Addressing Staff  
Rochester-Olmsted County  
Planning Department

**CC:** Cedric Schutz (Land Consultants)

**RE:** **WILDWOOD MEADOWS**

**GENERAL DEVELOPMENT PLAN #203**

A review of the **GDP** has turned up the following **ROADWAY** or **ADDRESS** related issues:

1. Only one of the cul-de-sacs shown on the General Development plan has been given a designation.

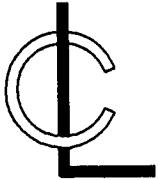
**RECOMMENDATION:** Name the eastern cul-de-sac, and use the roadway type **LANE** and directional of **SE**.

**PROPOSED GDP & NARRATIVE**

**AND**

**FLOODWAY INFORMATION**  
**FROM THE APPLICANT**

ZC #03-06 & GDP #203  
Wildwood Meadows  
750' Notification Distance  
Ward 4 Stobaugh  
02/11/03



## LAND CONSULTANTS

OF SOUTHERN MINNESOTA, INC.

1418 First Avenue N.E.  
Rochester, Minnesota 55906  
507-288-8855 / Fax 288-8815

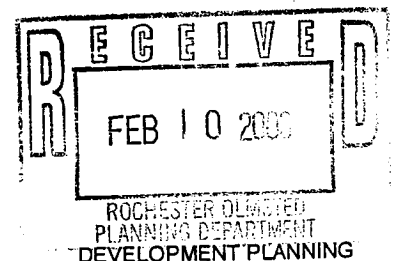
295-  
Jeane C. Gauvin, LS  
Cedric Schutz, LS

### Wildwood Meadow

Wildwood Meadow is located on the South side of 20th Street SE in the vicinity of 37th Avenue SE. Bear Creek crosses the easterly and southerly side of this property. The majority of the property is located in the 100-year floodplain. The soils are sandy and well drained but have a high watertable. The preliminary field investigation denotes only a small area of "wetland" on this property. The City of Rochester recently placed sanitary sewer and watermain in 20th Street and has provided utility stubs into this tract.

The County is planning to replace the bridge over Bear Creek just easterly of this property. This will change the floodplain and benefit this tract. The proposal is to fill the northerly side of the property from excavation on the southerly side. It will require about four (4) feet of fill to bring the northerly portion of the property above flood protection elevation.

This property is best suited for a townhouse project with slab on grade construction because of its location near the floodplain and the higher than usual watertable. The townhomes will contain about 1500 square feet, and have two car garages. The owner wants to protect as much of the wooded area as possible. The project will be split into two (2) phases. Phase 1 consists of construction of 37th Avenue, westerly portion of Wildwood Lane, and eight (8) buildings. Phase 2 will require the new bridge on 20th Street and a conditional letter of map revision (CLOMR) from Federal Emergency Management Agency (FEMA) for the changes in floodplain along Bear Creek.



224



Barr Engineering Company  
4700 West Hennepin Street • Minneapolis, MN 55435-4803  
Phone: 952-832-2600 • Fax: 952-832-2601 • www.barr.com

Minneapolis, MN • Hibbing, MN • Duluth, MN • Ann Arbor, MI • Jefferson City, MO

December 23, 2002

Mr. Cedric Schutz  
Land Consultants  
1418 First Avenue NE  
Rochester, MN 55906

**Re: Backhaus Property/Bear Creek**

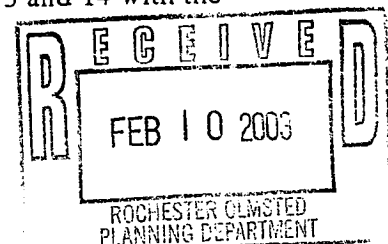
Dear Mr. Schutz:

As you requested, we reviewed the existing hydraulic model for Bear Creek that is the basis for the existing regulatory flood datum (RFD) for the above-mentioned property to determine if it would be possible to modify the floodway to build all 22 of the townhouses shown on the proposed development plan. We determined that it was not possible with the existing Bear Creek bridge on County Road 134. With the regulatory flood and the existing bridge there is a significant amount of flow over County Road 134 that would not permit a floodway change.

Mr. Backhaus recently called to get a status report on our progress and indicated that the County was proposing to build a new Bear Creek bridge at County Road 134. We obtained copies of that plan from Scott Holms and revised the hydraulic model to include the new bridge. We did a very preliminary analysis with the model and it appears that the floodway limit can be moved to the location shown on the attached copy of the development plan if the new bridge is constructed. As indicated on the plan, it may be difficult to get the sites for Buildings 13 and 14 out of the floodway; but, by excavating the overbank for building fill, we may be able to lower flood levels enough to move the floodway. Additional modeling is needed to determine if it can be moved. Once that is completed a conditional letter of map revision (CLOMR) would need to be applied for to move the floodway limit.

Our conclusions are summarized as follows:

1. Buildings 1 through 8 can be built now without any floodplain or floodway changes as long as the building pad is 1 foot above the regulatory flood level (RFD).
2. The existing floodway must be modified to build Buildings 10 through 22.
3. Because of the flow over County Road 134 with existing conditions, the existing floodway cannot be modified unless the Bear Creek bridge at County Road 134 is replaced.
4. The floodway can be modified for Buildings 9 through 12 and 15 through 22 with the new bridge.
5. Overbank excavation may allow the floodway to be modified for Buildings 13 and 14 with the new bridge.




297

6. Additional hydraulic modeling must be completed to add the proposed new bridge, the new profile of County Road 134 and the overbank excavation that would provide fill for the development. A CLOMR must be completed to modify the floodway. The cost of the hydraulic modeling and CLOMR would be \$20,000 to \$25,000 plus a \$4,500 application fee to the Federal Emergency Management Agency. It will take about 6 to 8 months to obtain the CLOMR.

If you have any questions regarding this summary please call me at (952) 832-2781.

Sincerely,



Leonard J. Kremer  
LJK/tymh

::ODMA\PCDOCS\DOCS\237969\1

[illegible]

FAIR OAKS

CEDAR PARK

RECEIVED  
FEB 10 2003  
ROCHESTER OLIMSTED  
PLANNING DEPARTMENT

# **WRITTEN COMMENTS FROM OTHERS**

300

**IOMPSON TITLE & ESCROW  
THOMPSON LAW OFFICE**

**2258 MARION ROAD SE  
ROCHESTER, MN 55904**

JEFFREY EUGENE THOMPSON  
CERTIFIED REAL PROPERTY  
LAW SPECIALIST SINCE 1990

TELEPHONE: (507) 282-7307  
FAX: (507) 282-2722  
HOME: (507) 281-0999

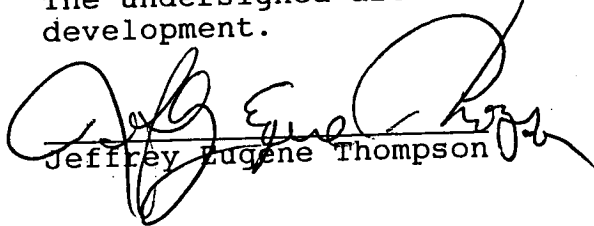
March 3, 2003


Rochester Olmsted Planning Department  
2122 Campus Drive S.E., Suite 100  
Rochester, MN 55904-4744

Re: Zoning District Amendment #03-06  
General Development Plan #203  
Dallas Backhaus

Dear Zoning Administrator:

The undersigned are in favor of the above referenced  
development.

  
Jeffrey Eugene Thompson

  
Grace R. Thompson

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 04-07-03

301 /

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-13</b>
ITEM DESCRIPTION: Final Plat #02-62, by Leslie Lurken, to be known as Wedgewood Hills Sixth. The applicant is proposing to subdivide approximately 6.68 acres of land located south of 55 <sup>th</sup> Street NW, west of 50 <sup>th</sup> Avenue NW and Wedgewood Hills Third Subdivision. The Plat proposes to create 24 single family lots and two Outlots and will dedicate right-of-way for extending Duvall Street NW and 54 <sup>th</sup> Avenue NW.		PREPARED BY: Theresa Fogarty, Planner

April 1, 2003

### Planning Department Review:

See attached staff report dated April 1, 2003, recommending approval subject to the following conditions and / or modifications:

- 1. Dedication of parkland shall be met via: Deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated March 26, 2003. The applicant shall receive credits for the dedication of the 0.09 acre Outlot A of this plat. Outlot A shall serve as park access on the west side of Wedgewood Hills Park.***
- 2. The Developer is obligated to construct a 10' wide bituminous path within Outlots 'A' & 'B'. The Developer is also obligated to grade and seed to turf prior to dedication, the remaining area within Outlots 'A' & 'B' not covered by the bituminous path.***
- 3. Prior to recording the Final Plat for this development, the mid-block pedestrian crossing Outlots 'A' & 'B' shall line up across from each other, vs. the offset as shown on the proposed Final Plat. Staff is suggesting shifting Lot 5, Block 1, north and locating Outlot 'B' along the south line of said Lot 5.***

### Council Action Needed:

- 1. A resolution approving the plat can be adopted.***

### Distribution:

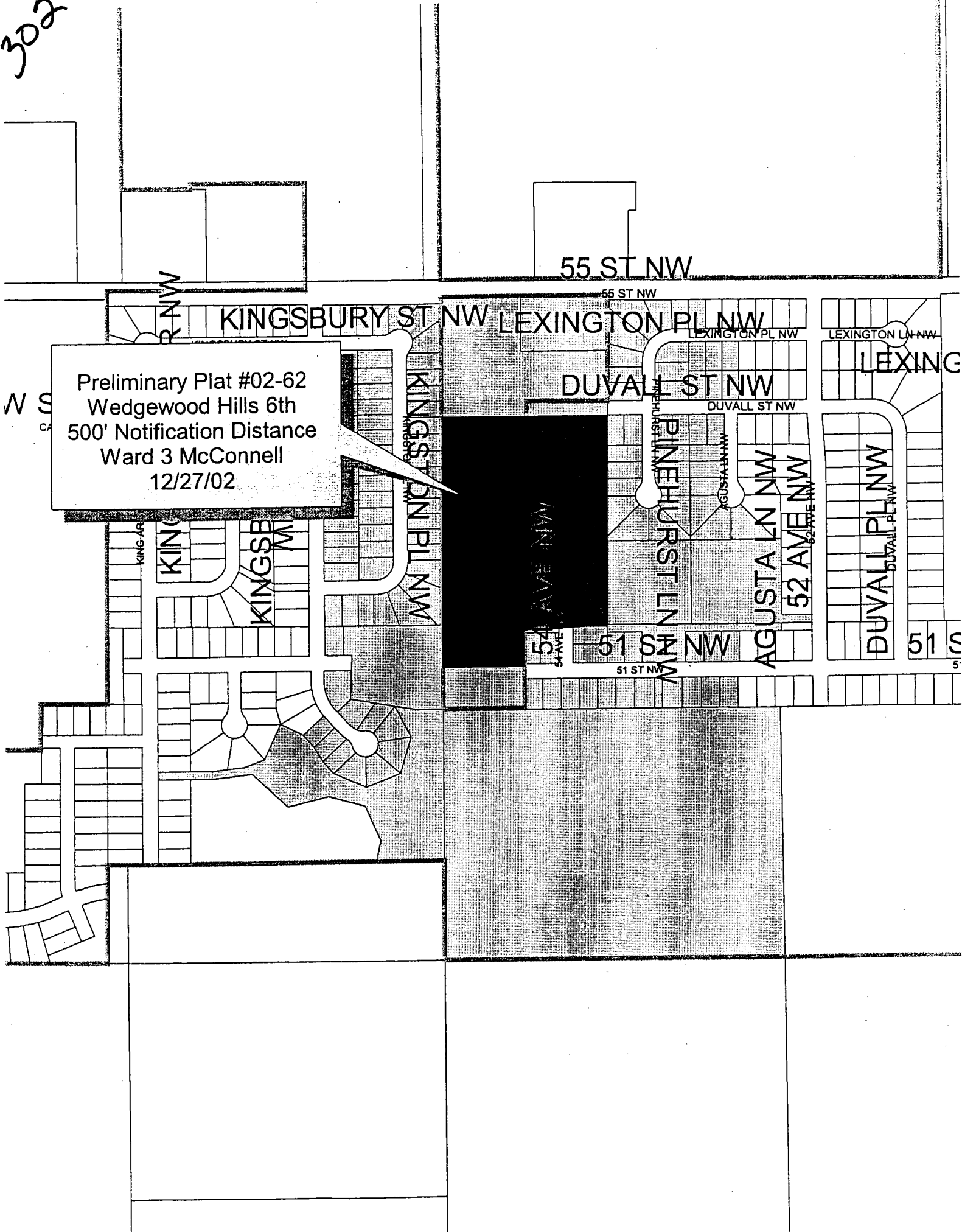
1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 7, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. McGhie & Betts, Inc.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

302

W S  
ca

Preliminary Plat #02-62  
Wedgewood Hills 6th  
500' Notification Distance  
Ward 3 McConnell  
12/27/02



# WEDGEWOOD HILLS SIXTH

## SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and platted the property on this plat as WEDGEWOOD HILLS SIXTH, that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments will be correctly placed in the ground as designated; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.05, Subd. 1, or public highways to be designated other than as shown thereon.

James E. Swanson, L.S.  
Minnesota License Number 11822

State of Minnesota  
County of Dodge

The surveyor's certificate was subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Notary Public, Dodge County, Minnesota

My commission expires \_\_\_\_\_

## COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to the applicable laws, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Olmeted County Surveyor

## CITY APPROVAL

State of Minnesota  
County of Olmeted  
City of Rochester

I, Judy K. Scherr, City Clerk, in and for the City of Rochester, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2003, the accompanying plat was duly approved by the Common Council of the City of Rochester, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Judy K. Scherr, City Clerk

## PROPERTY RECORDS AND LICENSING

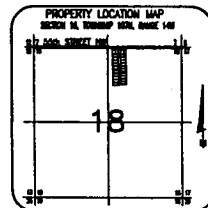
Taxes payable in the year 2003 on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Document Number \_\_\_\_\_

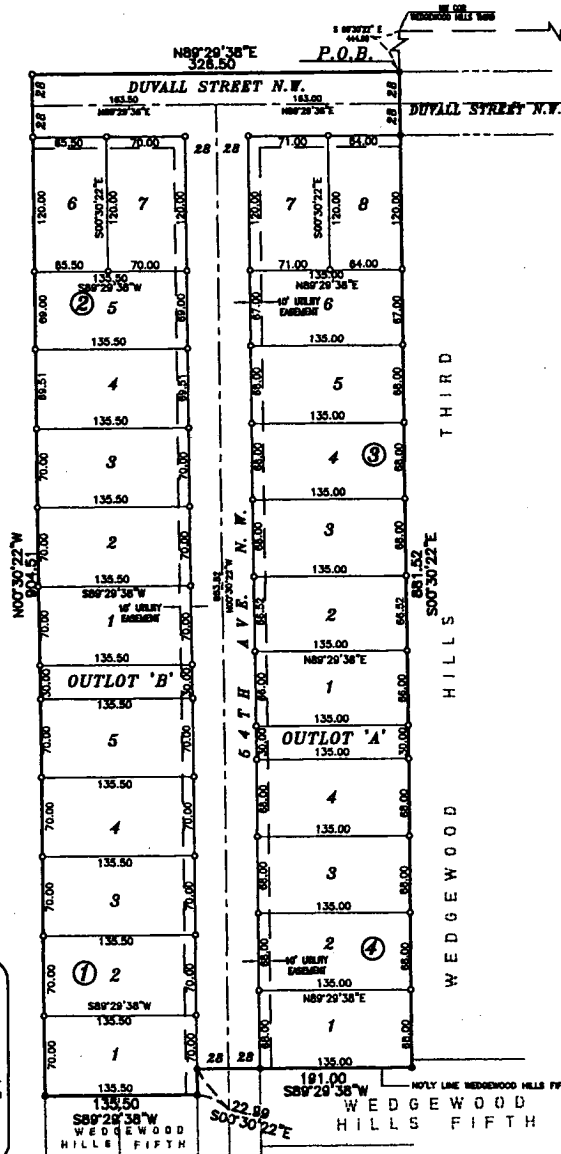
I hereby certify that this instrument was filed in the office of Property Records and Licensing for the record on \_\_\_\_\_ day of \_\_\_\_\_, 2003, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and was duly recorded in the Olmeted County records.

Director of Property Records & Licensing

Deputy



UNPLATTED



## INSTRUMENT OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Leslie A. Lurken and Raegen L. Lurken, husband and wife, owners and proprietors of the following described property situated in the City of Rochester, State of Minnesota, to wit:

That part of the Northeast Quarter of Section 18, Township 107 North, Range 14 West, Olmeted County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 89 degrees 29 minutes 28 seconds East, assumed bearing, along the north line thereof, 1970.53 feet to the northwest corner of WEDGEWOOD HILLS THIRD; thence South 00 degrees 30 minutes 28 seconds East, along the west line thereof, 444.90 feet to the point of beginning; thence continue South 00 degrees 30 minutes 28 seconds East along said west line, 581.58 feet to the northerly line of WEDGEWOOD HILLS FIFTH (the past three courses are along said northerly line); thence South 89 degrees 29 minutes 28 seconds West, 191.00 feet; thence South 00 degrees 30 minutes 28 seconds East, 22.90 feet; thence South 89 degrees 29 minutes 28 seconds West, 135.50 feet; thence North 00 degrees 30 minutes 28 seconds West, 504.51 feet; thence North 89 degrees 29 minutes 28 seconds East, 295.50 feet to the point of beginning.

Containing 6.88 acres.

have caused the same to be surveyed and platted as WEDGEWOOD HILLS SIXTH and do hereby donate and dedicate to the public for the public use forever the thoroughfares and also dedicate the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Leslie A. Lurken and Raegen L. Lurken, husband and wife, have caused these presents to be signed this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Leslie A. Lurken

Raegen L. Lurken

State of Minnesota  
County of Dodge

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by Leslie A. Lurken and Raegen L. Lurken, husband and wife,

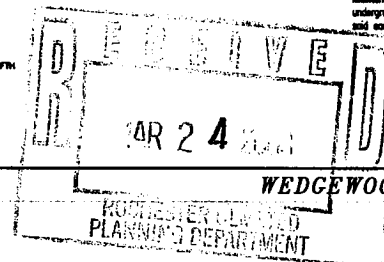
Notary Public, Dodge County, Minnesota

My commission expires \_\_\_\_\_

NOTE:  
ALL REMAINING DRAINAGE EASEMENTS ARE 5/8" IN WIDTH AND 1/2" IN DEPTH TO BE SET WITHIN 1 YEAR AFTER RECORDING OF THIS PLAT.  
ALL REMAINING DRAINAGE EASEMENTS ARE 5/8" IN WIDTH AND 1/2" IN DEPTH TO BE SET WITHIN 1 YEAR AFTER RECORDING OF THIS PLAT.

UTILITY EASEMENT defined:  
An unobstructed easement for the construction and maintenance of all necessary underground or surface public utilities including rights to conduct drainage and drainage in said easement.

DRAINAGE EASEMENT defined:  
An unobstructed easement for the operation and maintenance of waterways, both surface and underground, running over, across, and under said easement.



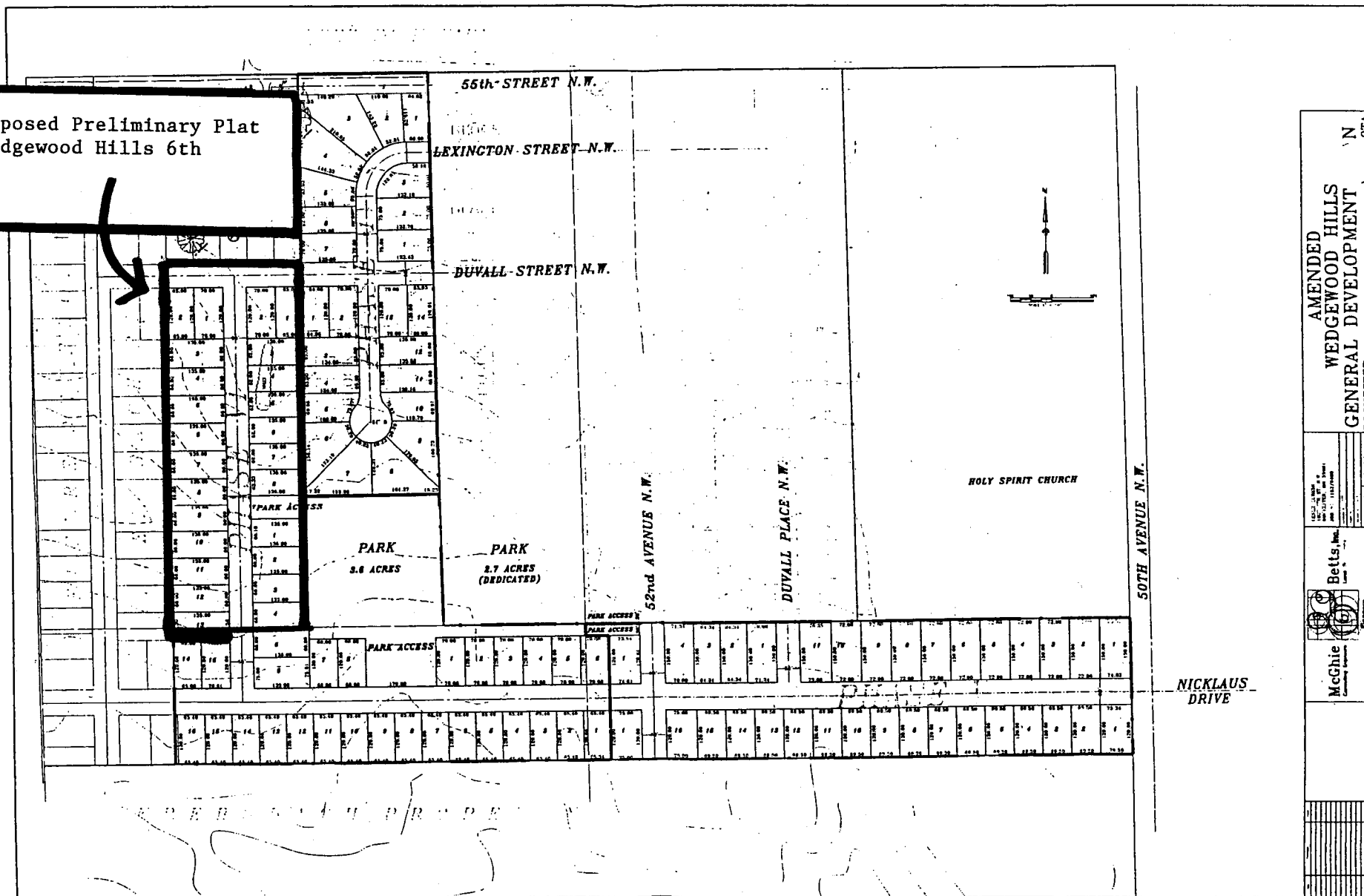
PREPARED BY:  
MOORE & BATES, INC.  
CONSULTING ENGINEERS  
PLANNING AND SURVEYING  
ROCHESTER, MINNESOTA

WEDGEWOOD HILLS SIXTH

303

504

Proposed Preliminary Plat  
Wedgewood Hills 6th



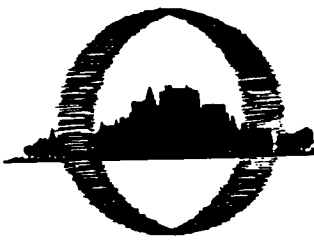
AMENDED  
WEDGEWOOD HILLS  
GENERAL DEVELOPMENT

ROCHESTER, N.Y.

McChie  
Engineering & Surveying

Betts  
Land Surveyors

LOCAL LAWS & ORDINANCES  
SHALL BE OBSERVED AND  
THESE PLANS SHALL BE  
IN ACCORDANCE WITH THE  
LATEST EDITION OF THE  
N.Y.S. ENGINEERING & SURVEYING  
LAW



## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



**TO:** Rochester Common Council

**FROM:** Theresa Fogarty, Planner

**DATE:** April 1, 2003

**RE:** Final Plat #02-62 by Leslie Lurken, to be known as Wedgewood Hills Sixth. The applicant is proposing to subdivide approximately 6.68 acre of land located south of 55<sup>th</sup> Street NW, west of 50<sup>th</sup> Avenue NW and Wedgewood Hills Third Subdivision. The Plat proposes to create 24 single family lots and two Outlots and will dedicate right-of-way for extending Duvall Street NW and 54<sup>th</sup> Avenue NW.

### Planning Department Review:

**Applicant/Owner:**

Leslie Lurken  
1027 NW 7<sup>th</sup> Street  
Rochester, MN 55901

**Surveyors/Engineers:**

McGhie & Betts, Inc.  
1648 Third Avenue SE  
Rochester, MN 55904

**Referral Comments:**

Rochester Public Works Department  
Planning Dept. Wetlands  
Rochester Park & Recreation Department

**Report Attachments:**

1. Location Map
2. Copy of Final Plat
3. Referral Comments (3 letters)
4. Wedgewood Hills General Development Plan

### Development Review:

**Zoning:**

The property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map.

**Roadways:**

This plat proposes to dedicate right-of-way for two new roadways.

**Pedestrian Facilities:**

In accordance with current City policy Pedestrian Facilities and the approved Development Agreement, pedestrian facilities will be required along both sides of all new roadways within this plat.



**Drainage:**

The topography of this area generally drains to the north.

Grading and Drainage Plans have been approved.

**Wetlands:**

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. A No Loss application was approved for this area in 1997.

**Public Utilities:**

Final utility construction plans have been approved.

**Spillover Parking:**

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 29 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

**Parkland Dedication:**

The City Park and Recreation Department recommends that dedication requirements be met via: Reduction in previously established credits resulting from the dedication of a  $\pm 6$  acre park in the subdivision.

The applicant should receive credits for the dedication of the 0.09 acre Outlot A of this plat.

**General Development Plan:**

This property is included within the Wedgewood Hills General Development Plan (GDP), amended in 1999. The Plan is generally consistent with the amended GDP.

**Preliminary Plat Staff Review and Recommendation:**

A preliminary plat for this area was approved by the City Council on February 19, 2003. The approval of the preliminary plat was subject to five (5) conditions. The conditions are listed below:

**1. The Plat shall be revised to:**

- a. ***Provide a 30' outlet consistent with Section 64.227 of the Rochester Zoning Ordinance and Land Development Manual providing connection from the currently unplatted land located west of this plat. Staff is suggesting that the mid-block connection be placed between Lots 5 & 6, Block 1. The mid-block connection shall be dedicated to the City, with the pedestrian path links constructed at the Developer's expense, concurrent with construction through the City-Owner Contract process.***
2. ***The applicant has met the parkland dedication requirements via: Reduction in previously established credits resulting from the dedication of the  $\pm 6$  acre park in the subdivision. The applicant shall receive credits for the dedication of the 0.09 acre Outlot A of this plat. Outlot A shall dedicated to the City and shall be graded***

307

- and seeded to turf prior to dedication and this outlot shall serve as park access on the west side of Wedgewood Hills Park, lying east of this plat.*
- 3. Pedestrian Facilities shall be constructed along both sides of Duvall Street NW and 54<sup>th</sup> Avenue NW and concurrent with this development or as specified in the executed Development Agreement. The Developer is obligated to construct a 10 foot wide bituminous pedestrian path within Outlot 'A'.*
  - 4. Stormwater Management shall be provided for this development. If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management Fee shall apply for the benefit of participation for those areas where on-site detention is not provided.*
  - 5. This property is within the area designated for the Northwest Area Transportation Improvement District, and shall be subject to a TID area charge based on the gross acreage of the subdivision.*

**Planning Staff Review and Recommendation:**

The Planning Staff has reviewed this final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, and would recommend approval subject to the following conditions or modifications:

- 1. Dedication of parkland shall be met via: Deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated March 26, 2003. The applicant shall receive credits for the dedication of the 0.09 acre Outlot A of this plat. Outlot A shall serve as park access on the west side of Wedgewood Hills Park.*
- 2. The Developer is obligated to construct a 10' wide bituminous path within Outlots 'A' & 'B'. The Developer is also obligated to grade and seed to turf prior to dedication, the remaining area within Outlots 'A' & 'B' not covered by the bituminous path.*
- 2. Prior to recording the Final Plat for this development, the mid-block pedestrian crossing Outlots 'A' & 'B' shall line up across from each other, vs. the offset as shown on the proposed Final Plat. Staff is suggesting shifting Lot 5, Block 1, north and locating Outlot 'B' along the south line of said Lot 5.*

308

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 3/28/03

The Department of Public Works has reviewed the application for a Final Plat #02-62 for the proposed Wedgewood Hills Sixth subdivision. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.
  2. A City-Owner Contract has been prepared, and execution by the City is required prior to construction of public infrastructure to serve this development.
  3. The mid-block pedestrian crossing Outlots 'A' & 'B', should line up across from each other, vs. the offset as shown on the proposed Final Plat. Staff would suggest shifting Lot 5, Block 1, north, and locating Outlot 'B' along the south line of said Lot 5.
- ❖ Development Charges are addressed in the executed Development and City-Owner Contract for this Property, with the exception of:

Traffic Signs – As Determined by the City Engineer

**WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS**

**Application Number: Final Plat #02-62 - Wedgewood Hills 6th**

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

**A No Loss application was approved for this area in 1997.**

310



ROCHESTER PARK AND RECREATION DEPARTMENT  
201 FOURTH STREET SE  
ROCHESTER MINNESOTA 55904-3769  
TELE 507-281-6160  
FAX 507-281-6165

## MEMORANDUM

**DATE:** March 26, 2003  
**TO:** Jennifer Garness  
Planning  
**RE:** Wedgewood Hills 6<sup>th</sup>  
Final Plat #02-62

Acreage of plat.....	6.68 a
Number of dwelling units.....	25 units
Density factor.....	.0244
Dedication .....	0.61 ac
Fair market value of land.....	na

The Park and Recreation Department recommends that dedication requirements be met via: Reduction in previously established credits resulting from dedication of a  $\pm 6$  acre park in the subdivision.

The applicant should receive credits for the dedication of the 0.09 acre Outlot A of this plat. The outlot should be graded and seeded to turf prior to dedication. The outlot will serve as park access on the west side of Wedgewood Hills Park.

## REQUEST FOR COUNCIL ACTION

MEETING **34**  
DATE: 04-07-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-14</b>
ITEM DESCRIPTION: Annexation Petition #03-06 by Charlyne Burks to annex approximately 25.61 acres of land located north of East Circle Drive and east of Northwood Hills 2 <sup>nd</sup> Subdivision. The property is located in a part of the East ½ of the NW ¼ of Section 19 of Haverhill Township.		PREPARED BY: Theresa Fogarty, Planner

April 1, 2003

### **City Planning and Zoning Commission Recommendation:**

The City Planning and Zoning Commission reviewed this annexation request on March 12, 2003. The Commission found that this property is adjacent to the City limits and can be served by city services upon extension of the water lines at the north end of Stonehedge Drive NE and sanitary sewer via a private lift station. The Planning Commission therefore recommends approval of this request.

**Ms. Petersson moved to recommend approval of Annexation Petition #03-06 by Charlyne Burks as recommended by staff. Mr. Haeussinger seconded the motion. The motion carried 7-1, with Mr. Staver voting nay.**

### **Planning Department Recommendation:**

See attached staff report, dated March 5, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2002 is \$10.07.

### **Council Action Needed:**

- 1. Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.**

### **Attachments**

1. Staff report, dated March 5, 2003.
2. Copy of the minutes of the March 12, 2003, CPZC meeting

### **Distribution:**

1. City Administrator
2. City Clerk
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday , April 7, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. Yaggy Colby Associates

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

212

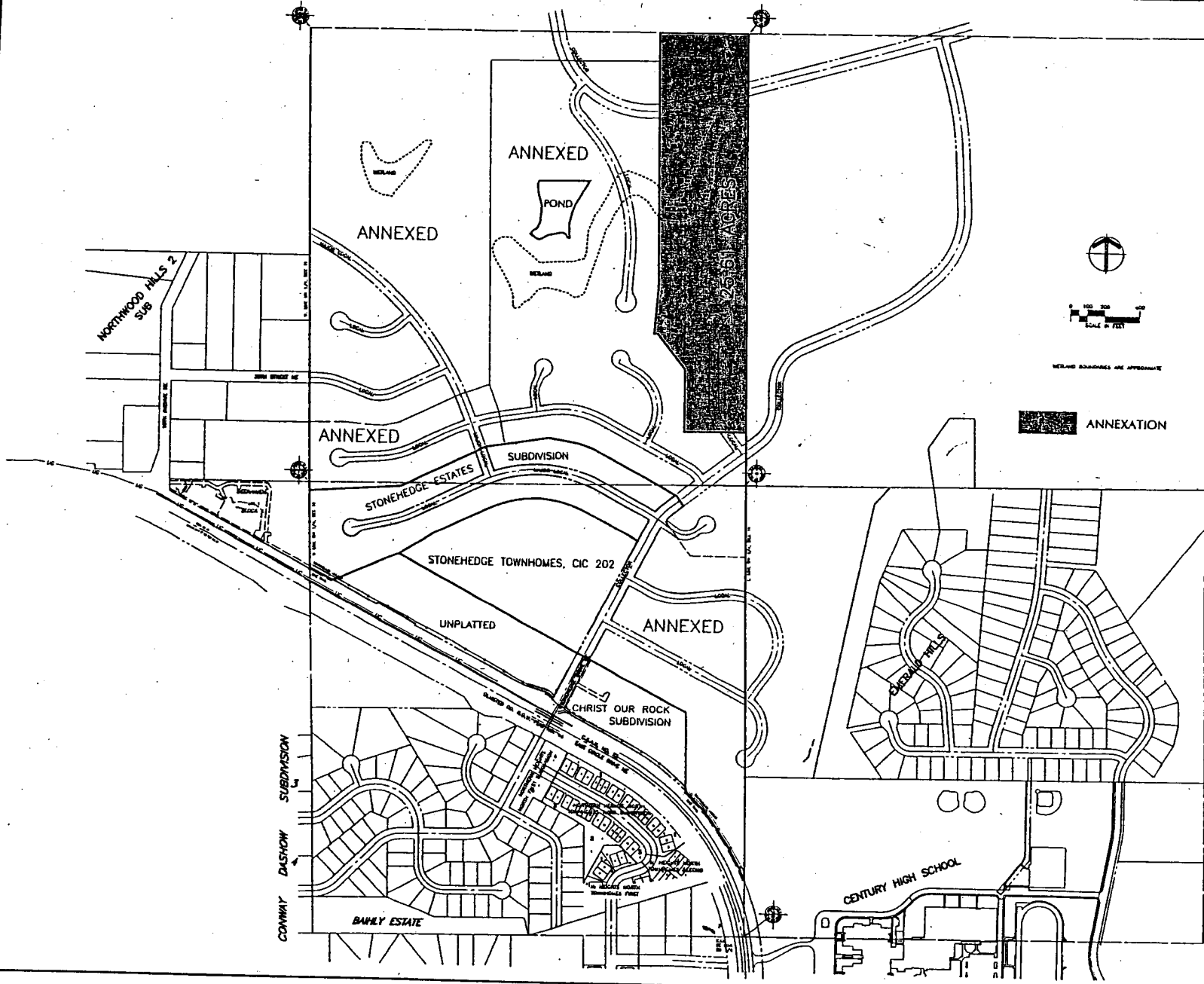


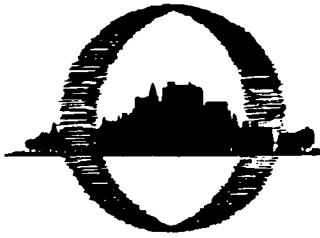
YAGGY COLBY ASSOCIATES  
ARCHITECTS  
PLANNERS  
LANDSCAPE ARCHITECTS  
ALL RIGHTS RESERVED  
NO PART OF THIS DOCUMENT  
SHALL BE REPRODUCED OR  
TRANSMITTED IN ANY FORM  
OR BY ANY MEANS  
WITHOUT WRITTEN PERMISSION  
FROM YAGGY COLBY ASSOCIATES

STONEHEDGE ESTATES  
ROCHESTER, MINNESOTA  
PROPOSED ANNEXATION

RECEIVED  
FEB 12 2013  
ROCHESTER PLANNING DEPARTMENT

1

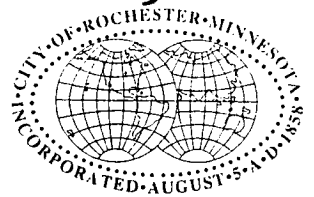




## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



**TO:** City Planning and Zoning Commission

**FROM:** Theresa Fogarty, Planner

**DATE:** March 5, 2003

**RE:** Annexation Petition #03-06 by Charlyne Burks to annex approximately 25.61 acres of land located north of East Circle Drive and east of Northwood Hills 2<sup>nd</sup> Subdivision. The property is located in a part of the East ½ of the NW ¼ of Section 19 of Haverhill Township.

### Planning Department Review:

**Applicants/Owners:** Charlyne Burks  
683 West Lockwood Avenue  
Webster Groves, MO 63119

**Architect/Engineer :** Yaggy Colby Associates  
717 Third Avenue SE  
Rochester, MN 55904

**Location of Property:** The property is located north of East Circle Drive and east of Northwood Hills 2<sup>nd</sup> Subdivision.

**Existing Land Use:** This property is currently undeveloped land.

**Size:** The property proposed for annexation is approximately 25.61 acres.

**Existing Zoning:** The property is zoned A-3 (Agricultural) District on the Olmsted County zoning map.

**Future Zoning:** Upon annexation, the property will be zoned R-1 (Mixed Single Family) district on the Rochester zoning map.

**Land Use Plan:** The property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan.

**Adjacency to the Municipal Limits:** The property is adjacent to the city limits along its western, southern and eastern boundaries.



314

**Sewer & Water:**

This area is within the Northeast High Level Water System Area, which is currently available at the north end of Stonehedge Drive NE.

Municipal water is available to serve this property. Gravity flow sanitary sewer is not currently available to serve this property. The property will initially be served with sanitary sewer via a private lift station. Serving the property with gravity sanitary sewer is dependent on the extension of public utilities from the north and west, as those adjacent parcel are developed.

**Townboard Review:**

Minnesota State Statutes requires that the Townboard members receive written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Monday, April 7, 2003. The City Clerk has sent the certified 30 day notice.

**Referral Comments:**

1. Rochester Public Utilities – Water Division
2. Rochester Public Works Department
3. MN Department of Transportation
4. Rochester FireDepartment

**Report Attachments:**

1. Annexation Map / Location Map
2. Referral Comments ( 4 letters)

**Staff Recommendation:**

This property is adjacent to the City limits and can be served by city services upon extension of the water lines at the north end of Stonehedge Drive NE and sanitary sewer via a private lift station. The property may be served with gravity sanitary sewer, in the future, dependant on the extension of public utilities from the north and west, as those adjacent parcels are developed. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).



*we pledge, we deliver*

315

February 20, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Annexation Petition #03-06 by Charlyne Burks to annex 25.61 acres of land located within the Stonehedge GDP.

Dear Ms. Garness:

Our review of the referenced petition is complete and our comments follow:

1. This area is within the Northeast High Level Water System Area, which is currently available at the north end of Stonehedge Drive NE.
2. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

A handwritten signature in black ink that reads 'Donn Richardson'. The signature is fluid and cursive, with the first name 'Donn' being more prominent.

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention  
Yaggy Colby Associates

316

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

Date: 2/27/03

The Department of Public Works has reviewed the requested application for Annexation #03-06 by Charlyne Burks for part of the proposed Stonehedge development. The following are Public Works comments on the proposal:

1. Municipal water is available to serve this property. Gravity flow sanitary sewer is not currently available to serve this property. The property is intended to initially be served with sanitary sewer via a private lift station. Serving the property with gravity sanitary sewer is dependant on the extension of public utilities from the north and west, as those adjacent parcels are developed. .



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060  
2900 48<sup>th</sup> Street N.W.  
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

February 24, 2003

Jennifer Garness  
Rochester – Olmsted Planning Department  
2122 Campus Drive SE – Suite 100  
Rochester, MN 55904

RE: Amendment to General Development Plan #160 known as Stonehedge Estates (formally known as Palteau Estates).

Land Subdivision Permit (Preliminary Plat) #03-07 to be known as Stonehedge Estates Second Subdivision by Stonehedge Land Development LLC.

General Development Plan #205 by Arcon Development, Inc to be known as Hart Farms South.

Zoning District Amendment #03-08 by Arcon Development Inc. to zone approximately 18.62 acres R-2 and 6.73 acres B-5 upon the annexation to the City of Rochester.

Annexation Petition #03-07 by Merly Groteboer to annex approximately 59.99 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Ave SW.

Amendment to General Development Plan #190 known as Harvestview and Harvestview Special District #02-07.

Annexation Petition #03-06 by Charlyne Burks to annex approximately 25.61 acres of land located north of East Circle Drive and east of Northwood hills 2<sup>nd</sup> Subdivision.

Zoning District Amendment #03-06 by Dallas Backhaus requesting to amend the zoning district for approximately 20.09 acres from R-1 to R-1X district.

Dear Ms. Garness:

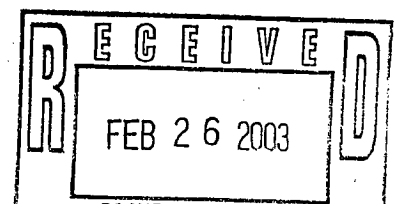
The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. These proposals will be sizeable traffic generators and Mn/DOT requests the City of Rochester to manage the traffic impacts for both City and State roadways.

Thank you for the opportunity to review these proposals and for keeping Mn/DOT informed. Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in cursive script, reading "Dale E. Maul".

Dale E. Maul  
Planning Director



318



*The hand to reach for...*  
**DAVID A. KAPLER**  
Fire Chief

DATE: February 24, 2003  
TO: Jennifer Garness, Planning  
FROM: R. Vance Swisher – Fire Protection Specialist  
SUBJECT: Annexation Petition #03-06 by Charlyne Burks

With regard to the above noted annexation petition plan, the fire department has the following requirements with regard to future development on this site:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
  2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
  3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
  4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division  
Charlyne Burks – 683 West Lockwood Avenue – Webster Groves, MO 63119  
Yaggy Colby Associates – 717 Third Avenue SE – Rochester, MN 55904

319

**MINUTES OF THE  
CITY OF ROCHESTER PLANNING COMMISSION  
2122 CAMPUS DRIVE SE – SUITE 100  
ROCHESTER MN 55904**

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, March 12, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

**Members Present:** Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. John Hodgson; Mr. Robert Haeussinger; Mr. James Burke; and Mr. Randy Staver

**Members Absent:** Mr. Paul Ohly

**Staff Present:** Ms. Mitzi A. Baker; Mr. John Harford; Mr. Philip H. Wheeler; and Ms. Jennifer Garness

**Other City Staff Present:** None

**ADMINISTRATIVE BUSINESS:**

**Mr. Haeussinger made a motion to approve the minutes of February 26, 2003, as written. Mr. Staver seconded the motion. The minutes from February 26, 2003 were approved unanimously.**

Ms. Baker asked that Zoning District Amendment #03-06 and General Development Plan #203 be heard together; Land Use Plan #03-03, Zoning District Amendment #03-07 and General Development Plan #204 be heard together; Preliminary Plat #03-07 and General Development Plan #160 be heard together; and Zoning District Amendment #03-08 and General Development Plan #205 be heard together. Action on all items must be taken separately.

Ms. Petersson asked that Zoning District Amendment #03-08 and General Development Plan #205 be the first public hearing items heard, since the annexation would be heard at the beginning of the meeting.

Ms. Baker asked that the following be discussed under "Other Business":

1. Initiate Text Amendment for Fees
2. Planning Commission Budget
3. Notification Changes for Annexations

**Ms. Petersson made a motion to approve the agenda, as revised above.  
Mr. Hodgson seconded the motion. The motion carried unanimously.**

**ANNEXATIONS:**

**Annexation Petition #03-06 by Charlyne Burks to annex approximately 25.61 acres of land located north of East Circle Drive and east of Northwood Hills 2<sup>nd</sup> Subdivision. The property is located in a part of the East ½ of the NW ¼ of Section 19 of Haverhill Township.**

\*

**Ms. Petersson moved to recommend approval of Annexation Petition #03-06 by Charlyne Burks as recommended by staff. Mr. Haeussinger seconded the motion.**

Mr. Staver discussed whether or not annexations shouldn't receive more scrutiny from the Planning Commission. He discussed whether or not they should be approved if police and fire cannot serve the areas in question.

**The motion carried 7-1, with Mr. Staver voting nay.**

Annexation Petition #03-07 by Merl Groteboer to annex approximately 59.99 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW. The property is located in a part of the South ½ of the SW ¼ of Section 22 of Rochester Township.

Mr. Staver stated that he would not vote in favor of the annexation, since he believes they need to support efforts to manage growth. He indicated that he was not discussing a moratorium.

Ms. Wiesner asked if the process of annexation or general development plan concerned Mr. Staver.

Mr. Staver responded that the annexation was the first step in terms of infrastructure.

Mr. Haeussinger stated that the capacity of fire protection and police staffing needed to be taken into consideration with regard to growth as well as city services.

**Mr. Haeussinger moved to recommend approval of Annexation Petition #03-07 by Merl Groteboer as recommended by staff. Mr. Quinn seconded the motion. The motion carried 7-1, with Mr. Staver voting nay.**

#### PUBLIC HEARINGS:

Zoning District Amendment #03-08 by Arcon Development Inc. to zone approximately 18.62 acres R-2 (Low Density Residential) and 6.73 acres B-5 (Residential Commercial) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.

**AND**

General Development Plan #205 by Arcon Development, Inc. to be known as Hart Farms South. The Applicant is proposing to develop approximately 80 acres of land located along the north side of 40<sup>th</sup> Street SW and along the west side of 18<sup>th</sup> Avenue SW with single family homes, townhomes and neighborhood commercial uses. The property is proposed to be served by public roads. An Annexation petition for the entire property, and a Zoning District Amendment for a portion of this property are being considered concurrent with this petition.

Ms. Mitzi A. Baker presented the staff reports, dated March 6, 2003 and March 7, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 04-07-03

321

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <i>E-15</i>
ITEM DESCRIPTION: Annexation Petition #03-08 by GP Development LLC to annex approximately 44.99 acres of land located along the west side of 18 <sup>th</sup> Avenue SW, north of the Hart Farm Subdivision. The property is located in a part of the NW ¼ of Section 22 of Rochester Township.		PREPARED BY: Theresa Fogarty, Planner

April 2, 2003

### **City Planning and Zoning Commission Recommendation:**

The City Planning and Zoning Commission reviewed this annexation request on March 26, 2003. The Commission found that this property is adjacent to the City limits and can be served by city services upon extension of sanitary sewer and water lines from their present ends. The Planning Commission therefore recommends approval of this request.

Mr. Burke moved to recommend approval of Annexation Petition #03-08 by GP Development, Inc. Mr. Ohly seconded the motion. The motion carried 7-0.

### **Planning Department Recommendation:**

See attached staff report, dated March 18, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2002 is \$120.20.

### **Council Action Needed:**

1. Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.

### **Attachments**

1. Staff report, dated March 18, 2003.
2. Draft copy of the minutes of the March 26, 2003, CPZC meeting

### **Distribution:**

1. City Administrator
2. City Clerk
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 7, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. McGhie & Betts, Inc.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

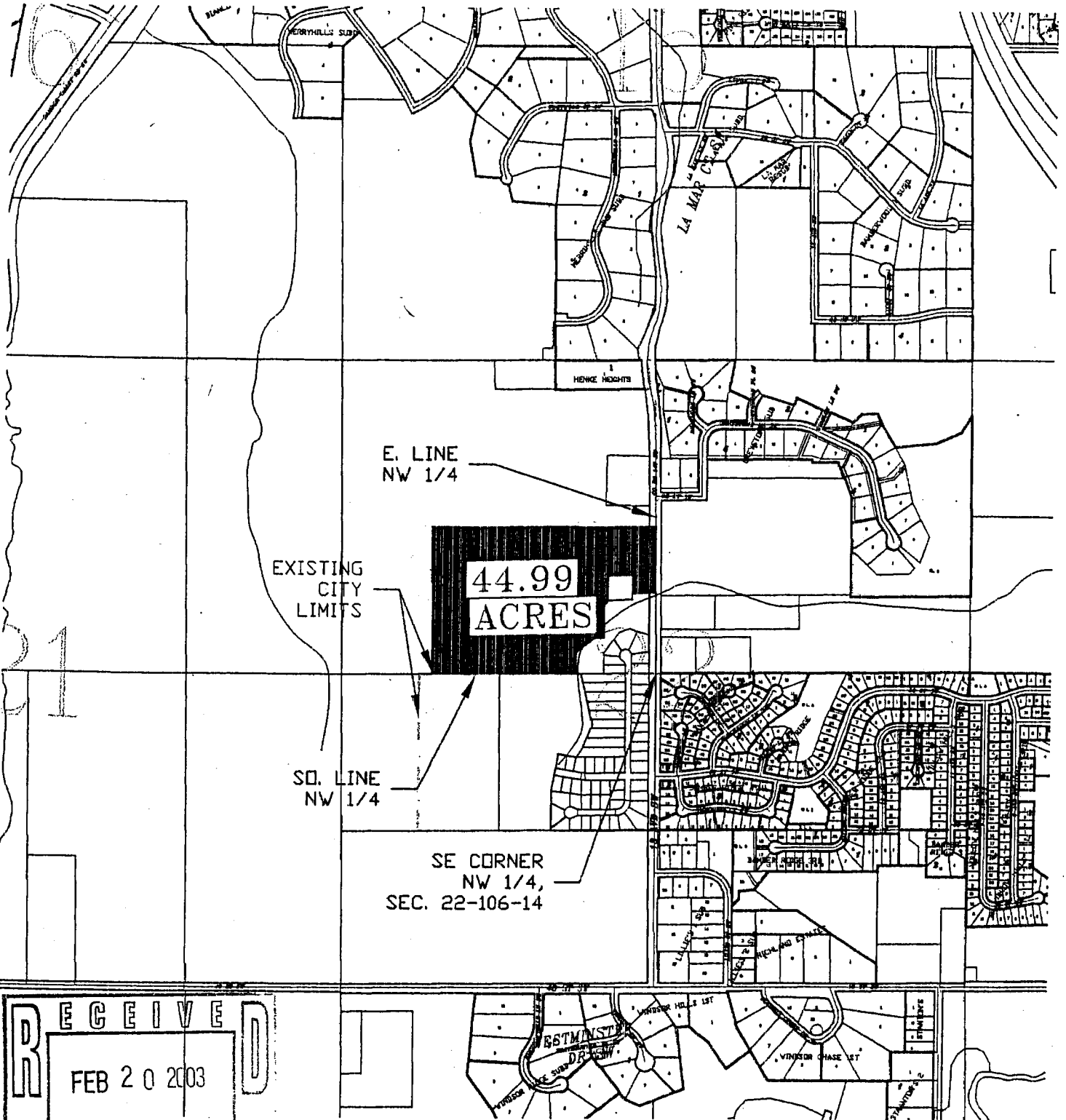
322

# ANNEXATION EXHIBIT

DESCRIPTION:  
SEE ATTACHED



SCALE 1" = 400'



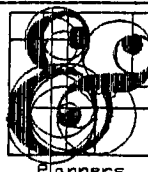
**RECEIVED**  
FEB 20 2003

ROCHESTER OLIMPIA  
PLANNING DEPARTMENT

FOR:

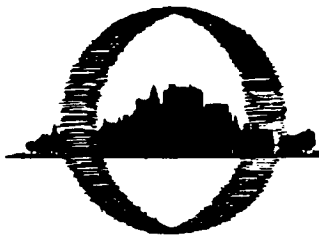
GP DEVELOPMENT, LLC  
3015 18TH AVE. SW  
ROCHESTER, MN  
55902

**McGhie**  
Consulting Engineers



**Betts, Inc.**  
Land Surveyors

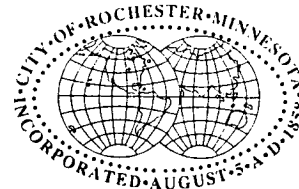
SCALE: 1" = 400'  
DRAWN BY: JJJ  
DATE: 02/20/03  
ACCT. NO.: 6732/0120



**ROCHESTER-OLMSTED PLANNING DEPARTMENT**

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



**TO: City Planning and Zoning Commission**

**FROM: Theresa Fogarty, Planner**

**DATE: March 18, 2003**

**RE: Annexation Petition #03-08 by GP Development LLC to annex approximately 44.99 acres of land located along the west side of 18<sup>th</sup> Avenue SW, north of the Hart Farms Subdivision. The property is located in a part of the NW ¼ of Section 22 of Rochester Township.**

**Planning Department Review:**

<b>Applicants/Owners:</b>	GP Development, Inc. 3015 NW 18 <sup>th</sup> Avenue Rochester, MN 55901
<b>Consultant / Engineer:</b>	McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904
<b>Location of Property:</b>	The property is located along the west side of 18 <sup>th</sup> Avenue SW, north of Hart Farms Subdivision.
<b>Existing Land Use:</b>	This property is currently undeveloped land.
<b>Size:</b>	The property proposed for annexation is approximately 44.99 acres of unplatted land.
<b>Existing Zoning:</b>	The property is zoned A-3 (Agricultural) District on the Olmsted County zoning map.
<b>Future Zoning:</b>	Upon annexation, the property will be zoned R-1 (Mixed Single Family Residential) district on the Rochester zoning map.
<b>Land Use Plan:</b>	The property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan.
<b>Adjacency to the Municipal Limits:</b>	The property is adjacent to the city limits at its southern and a portion of the southeastern boundaries.
<b>Sewer &amp; Water:</b>	Sanitary sewer and water is available to serve this property.



32A

**Utilities:**

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

**Townboard Review:**

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Monday, April 7, 2003. The City Clerk has sent the certified 30 day notice.

**Referral Comments:**

1. Rochester Public Works
2. MN Department of Transportation
3. Rochester Fire Department

**Report Attachments:**

1. Annexation Map / Location Map
2. Referral Comments (3letters)

**Staff Recommendation:**

This property is adjacent to the City limits and can be served by city services upon extension of sanitary sewer and water lines from their present ends. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

# ROCHESTER

— Minnesota —

325

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

Date: 3/13/03

The Department of Public Works has reviewed the requested application for Annexation #03-08 on the GP Development LLC Property (for proposed Fieldstone plat). The following are Public Works comments on the proposal:

1. Sanitary Sewer & Water is available to serve this property.



## Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060

2900 48<sup>th</sup> Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

March 11, 2003

Jennifer Garness

Rochester Olmsted Planning Department

2122 Campus Drive SE - Suite 100

Rochester, MN 55904

RE: Final Plat #03-02 by Roger Payne to be known as Century Hills Seventh Subdivision. The Plat proposes to subdivide 9.44 acres of land into 25 lots for single family development.

Annexation Petition #03-08 by GP Development LLC to annex approximately 44.99 acres of land located along the west side of 18<sup>th</sup> Avenue SW.

Type II Conditional Use Permit and Type III, Phase II Restricted Development #03-05, by Mayo Foundation.

Land Subdivision Permit (Preliminary Plat) #03-10 to be known as Badger Village Townhomes by Circle 22 Investors, LLC.

Final Plat #99-25 by Rocky Creek of Rochester, LLC to be known as Glendale Hills Fourth.

Annexation Petition #03-10 by First Baptist Church to annex approximately 57.51 acres of land located along the north side of Salem Road SW (CSAH 25).

Land Subdivision Permit (Preliminary Plat) #03-09 to be known as North Park Fourteenth Subdivision by Leslie A. Lurken.

Land Subdivision Permit (Preliminary Plat) #03-08 to be known as Fieldstone by GP Development Inc.

Type III, Phase III Incentive Development Final Plan #02-50 by Church of St. Pius X.

Dear Ms. Garness:

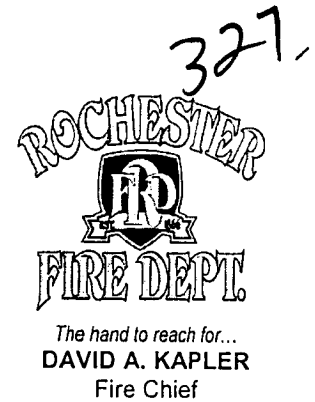
The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these developments do not have direct access to Mn/DOT roadways, Mn/DOT requests the City of Rochester to continue managing traffic impacts for both City and State roadways.

Thank you for keeping Mn/DOT informed. Any questions you have may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in cursive script that reads 'Dale E. Maul'.

Dale E. Maul  
Planning Director



DATE: March 3, 2003  
TO: Jennifer Garness, Planning  
FROM: R. Vance Swisher – Fire Protection Specialist  
SUBJECT: Annexation Petition #03-08 by GP Development, LLC.

With regard to the above noted annexation petition plan, the fire department has the following requirements with regard to future development on this site:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
  2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
  3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
  4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division  
GP Development – 3015 18<sup>th</sup> Ave NW – Rochester, MN 55901  
McGhie & Betts, Inc. – 1648 3<sup>rd</sup> Ave SE – Rochester, MN 55904

328

Draft Minutes of the City Planning & Zoning Commission  
Date of Hearing: March 26, 2003

**ANNEXATION:**

**Annexation Petition #03-08 by GP Development LLC to annex approximately 44.99 acres of land located along the west side of 18<sup>th</sup> Avenue SW, north of the Hart Farms Subdivision. The property is located in a part of the NW ¼ of Section 22 of Rochester Township.**

Mr. Brent Svenby presented the staff report, dated March 18, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Haeussinger asked if the Commission reviewed the general development plan.

Mr. Svenby responded late January 2003.

**Mr. Burke moved to recommend approval of Annexation Petition #03-08 by GP Development LLC. Mr. Ohly seconded the motion.**

Mr. Staver stated that one way to manage the expense to the City and County is to manage growth. He stated that he would like to get guidance from the City Council and County Commissioners regarding how to accomplish this.

Ms. Petersson stated that she agreed with Mr. Staver.

Mr. Burke explained that, when property is annexed, it gives the City the opportunity to work on long-range planning.

Discussion ensued regarding the annexation process and development.

Mr. Svenby stated that the property falls within the Urban Service Area.

**The motion carried 7-0.**

## REQUEST FOR COUNCIL ACTION

329  
MEETING  
DATE: 04-07-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-16</b>
ITEM DESCRIPTION: Annexation Petition #03-10 by First Baptist Church to annex approximately 57.51 acres of land located along the north side of Salem Road SW (CSAH 25), west of Salem Road Covenant Church and west of the proposed Bamber Valley Estates development. The property is located in a part of the NW ¼ of Section 9 and a part of the NE ¼ of Section 8 of Rochester Township.		PREPARED BY: Theresa Fogarty, Planner

April 2, 2003

### **City Planning and Zoning Commission Recommendation:**

The City Planning and Zoning Commission reviewed this annexation request on March 26, 2003. The Commission found that this property is adjacent to the City limits and can be served by city services upon extension of sanitary sewer and water lines from their present ends. The Planning Commission therefore recommends approval of this request.

**Ms. Petersson moved to recommend approval of Annexation Petition #03-10 by First Baptist Church. Mr. Burke seconded the motion. The motion carried 7-0.**

### **Planning Department Recommendation:**

See attached staff report, dated March 18, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2002 is \$146.83.

### **Council Action Needed:**

1. Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.

### **Attachments**

1. Staff report, dated March 18, 2003.
2. Draft copy of the minutes of the March 26, 2003, CPZC meeting

### **Distribution:**

1. City Administrator
2. City Clerk
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 7, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. McGhie & Betts, Inc.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

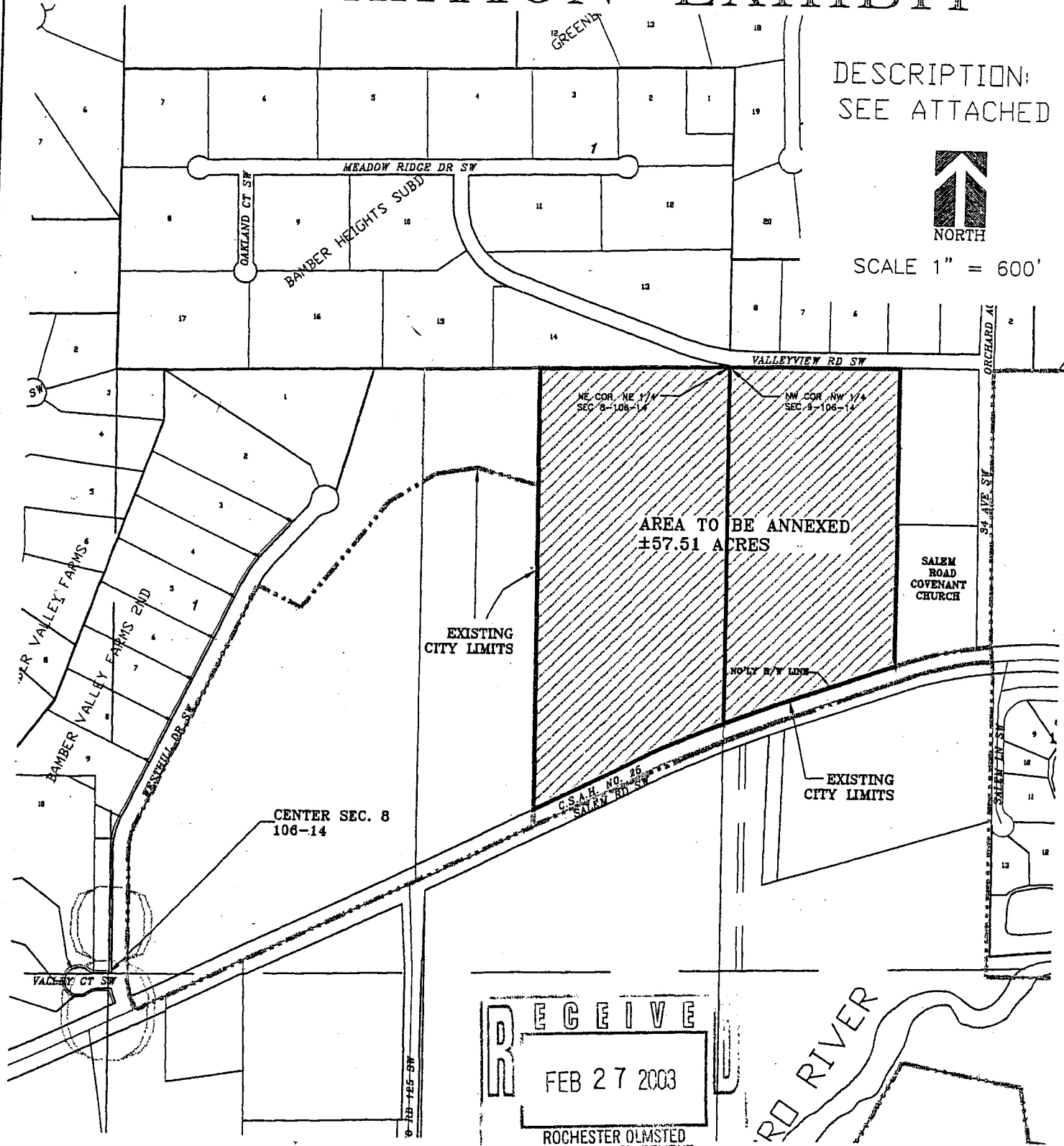
330

# ANNEXATION EXHIBIT

DESCRIPTION:  
SEE ATTACHED



SCALE 1" = 600'



**RECEIVE**  
FEB 27 2003  
ROCHESTER OLIMSTED  
PLANNING DEPARTMENT

FOR:  
FIRST BAPTIST CHURCH  
415 16TH STREET SW  
ROCHESTER, MN 55902

Land Surveying  
Urban-Land Planning  
Consulting - Civil Engineering

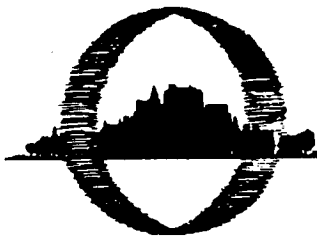
**McGhie**

Geotechnical Engineering  
Construction Material Testing  
Landscape Architecture

1648 Third Avenue S.E.

SCALE:	1" = 600'
DRAWN BY:	MES
DATE:	02/24/03
ACCT. NO.:	6266/3030
	Cadd No. 3030ANNE

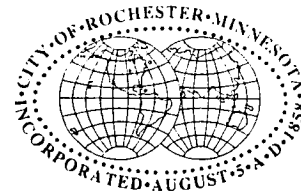
331



## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*



**TO:** City Planning and Zoning Commission

**FROM:** Theresa Fogarty, Planner

**DATE:** March 18, 2003

**RE: Annexation Petition #03-10 by First Baptist Church to annex approximately 57.51 acres of land located along the north side of Salem Road SW (CSAH 25), west of Salem Road Covenant Church and west of the proposed Bamber Valley Estates development. The property is located in a part of the NW ¼ of Section 9 and a part of the NE ¼ of Section 8 Rochester Township.**

### **Planning Department Review:**

<b>Applicants/Owners:</b>	First Baptist Church 415 SW 16 <sup>th</sup> Street Rochester, MN 55902
<b>Architect/Engineer:</b>	McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904
<b>Location of Property:</b>	The property is located along the north side of Salem Road SW (CSAH 25), west of Salem Road Covenant Church and west of the proposed Bamber Valley Estates development.
<b>Existing Land Use:</b>	This property is currently undeveloped land.
<b>Size:</b>	The property proposed for annexation is approximately 57.51 acres of unplatted land.
<b>Existing Zoning:</b>	The property is zoned A-3 (Agricultural) District on the Olmsted County zoning map.
<b>Future Zoning:</b>	Upon annexation, the property will be zoned R-1 (Mixed Single Family Residential) district on the Rochester zoning map.
<b>Land Use Plan:</b>	This property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan.
<b>Adjacency to the Municipal Limits:</b>	The property is adjacent to the city limits along the southern and western boundaries.



332

**Sewer & Water:**

This area is within the Main Level Water System Area, which is currently available at the intersection of 34<sup>th</sup> Avenue SW and Salem Road SW.

Municipal sewer & water are not currently available, but can be extended to serve this property.

**Utilities:**

Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

**Townboard Review:**

Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on Monday, April 7, 2003. The City Clerk has sent the certified 30 day notice.

**Referral Comments:**

1. Rochester Public Utilities - Water Division
2. Rochester Public Works Department
3. Olmsted County Public Works Department
4. MN Department of Transportation
5. Planning Department – Wetlands LGU Representative
6. Rochester Fire Department

**Report Attachments:**

1. Annexation Map / Location Map
2. Referral Comments (6 letters)

**Staff Recommendation:**

This property is adjacent to the City limits and can be served by city water services upon extension of the water lines from their present ends. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).



333

March 6, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Annexation Petition #03-10 by First Baptist Church to annex 57.51 acres of land located along the north side of Salem Road SW and west of 34<sup>th</sup> Ave. SW.

Dear Ms. Garness:

Our review of the referenced petition is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. This area is within the Main Level Water System Area, which is currently available at the intersection of 34<sup>th</sup> Ave. and Salem Road SW.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention  
First Baptist Church  
McGhie & Betts, Inc.

33A

# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

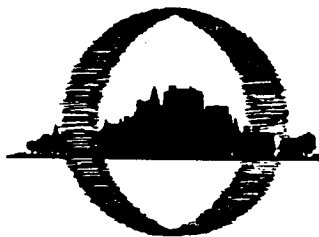
FROM: Mark E. Baker

Date: 3/14/03

The Department of Public Works has reviewed the requested application for Annexation #03-10 on the First Baptist Church Property (p/o Sect 8 & 9, Rochester Township). The following are Public Works comments on the proposal:

1. Municipal sewer & water are not currently available, but can be extended to serve this property.

335



COUNTY OF  
*Olmsted*

PUBLIC WORKS DEPARTMENT  
2122 CAMPUS DR SE - SUITE 200  
ROCHESTER MN 55904-4744  
www.olmstedpublicworks.com  
507.285.8231

March 3, 2003

Jennifer Garness  
Planning Department

Dear Jennifer:

The Public Works Department has reviewed Annexation Petition #03-10 by First Baptist Church and has the following comment:

- ***Access to CSAH 25 will require an access permit.***
- ***Access control will be required along CSAH 25.***
- ***Right turn lane and by-pass lane is required at public streets.***

Sincerely,

Michael Sheehan  
County Engineer

MS:ss



T:\PW\DATA\ENG\INDOC\PLAN\ZONE.DOC

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

334



## Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060

2900 48<sup>th</sup> Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

March 11, 2003

Jennifer Garness

Rochester Olmsted Planning Department

2122 Campus Drive SE - Suite 100

Rochester, MN 55904

**RE: Final Plat #03-02 by Roger Payne to be known as Century Hills Seventh Subdivision. The Plat proposes to subdivide 9.44 acres of land into 25 lots for single family development.**

**Annexation Petition #03-08 by GP Development LLC to annex approximately 44.99 acres of land located along the west side of 18<sup>th</sup> Avenue SW.**

**Type II Conditional Use Permit and Type III, Phase II Restricted Development #03-05, by Mayo Foundation.**

**Land Subdivision Permit (Preliminary Plat) #03-10 to be known as Badger Village Townhomes by Circle 22 Investors, LLC.**

**Final Plat #99-25 by Rocky Creek of Rochester, LLC to be known as Glendale Hills Fourth.**

**Annexation Petition #03-10 by First Baptist Church to annex approximately 57.51 acres of land located along the north side of Salem Road SW (CSAH 25).**

**Land Subdivision Permit (Preliminary Plat) #03-09 to be known as North Park Fourteenth Subdivision by Leslie A. Lurken.**

**Land Subdivision Permit (Preliminary Plat) #03-08 to be known as Fieldstone by GP Development Inc.**

**Type III, Phase III Incentive Development Final Plan #02-50 by Church of St. Pius X.**

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these developments do not have direct access to Mn/DOT roadways, Mn/DOT requests the City of Rochester to continue managing traffic impacts for both City and State roadways.

Thank you for keeping Mn/DOT informed. Any questions you have may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in dark ink, reading 'Dale E. Maul'.

Dale E. Maul  
Planning Director

**WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS**

**Application Number: Annexation #03-10, First Baptist Church**

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☒ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

238



The hand to reach for...  
DAVID A. KAPLER  
Fire Chief

DATE: March 5, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher  
Fire Protection Specialist

SUBJECT: Annexation Petition #03-10 by First Baptist Church to annex approximately 57.51 acres of land located along the north side of Salem Road SW, west of Salem Road Covenant Church and west of the proposed Bamber Valley Estates development. The property is located in a part of the NW ¼ of Section 98 and part of NE ¼ of Section 8 Rochester Township.

With regard to the above noted annexation petition plan, the fire department has the following requirements with regard to future development on this site:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division

339

Draft Minutes of the City Planning & Zoning Commission  
Date of Hearing: March 26, 2003

**ANNEXATION:**

**Annexation Petition #03-10 by First Baptist Church to annex approximately 57.51 acres of land located along the north side of Salem Road SW (CSAH 25), west of Salem Road Covenant Church and west of the proposed Bamber Valley Estates development. The property is located in a part of the NW ¼ of Section 9 and a part of the NE ¼ of Section 8 Rochester Township.**

Mr. Brent Svenby presented the staff report, dated March 18, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

**Ms. Petersson moved to recommend approval of Annexation Petition #03-10 by First Baptist Church. Mr. Burke seconded the motion. The motion carried 7-0.**

2/10

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 4/7/03

341

AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS TLA
<p>G. 1. RESOLUTIONS</p> <p>G. 2. FIRST READING OF ORDINANCES, as appropriate.</p> <p>G. 3. SECOND READING OF ORDINANCES (for adoption).</p> <p>a) An Ordinance Annexing To The City Of Rochester Approximately 19.35 Acres Of Land Located In A Part Of The North Half Of The Southwest Quarter Of Section 22, Township 106 North, Range 14 West, Olmsted County, Minnesota. Said property is located West of 18<sup>th</sup> Avenue S.W., West of Hart Farms Subdivision and North of 40<sup>th</sup> Street S.W.</p> <p>b) An Ordinance Annexing To The City Of Rochester Approximately 1. 07 Acres Of Land Located In A Part Of The Southwest Quarter Of The Southwest Quarter Of Section 30, Township 107 North, Range 13 West, Olmsted County, Minnesota. Said Property is located East of East Circle Drive, South of Viola Road N.E. and North of Silver Creek Road N.E.</p> <p>G. 4. MISCELLANEOUS</p>		
<p><b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____</p>		

25